

CLARK COUNTY ZONING REGULATIONS

Clark County, Ohio

(unincorporated areas of Bethel, Green, Harmony, Madison, Mad River, and Moorefield Townships)

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CHAPTER 1

GENERAL REGULATIONS

CHAPTER 1

GENERAL REGULATIONS

Section A - Title and Enactment

WHEREAS, It is determined by the Board of County Commissioners of Clark County, Ohio that it is in the interest of the public health, public safety, and general welfare of the County to regulate and/or protect the location and use of land, buildings, and structures for agriculture and resource protection and for residential, commercial, and industrial development; in order to conserve and protect property and property values, to secure the most appropriate use of land, to regulate the density of population, and to facilitate adequate and economical provisions for public improvements; all in accordance with the goals and objectives of the Clark County Land Use Plan and notwithstanding the provisions outlined in the Clark County Subdivision Regulations; to provide a method of administration and enforcement and to prescribe penalties for the violations of provisions hereafter described - all as authorized by Chapter 303 of the Ohio Revised Code;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CLARK COUNTY:

That these Zoning Regulations shall be known and may be cited and referred to as the "Clark County, Ohio, Zoning Regulations," and shall contain the following provisions:

Section B - Area of Jurisdiction

1. The provisions of these Regulations shall apply to all unincorporated land areas of Clark County that are regulated by County Zoning by having voted approval, as provided by Chapter 303 of the Ohio Revised Code, and as indicated on the Official Zoning District Map(s).
2. The provisions of these Regulations shall apply to the remaining unincorporated land area of Clark County, Ohio, pursuant to the provisions of Chapter 303 of the Ohio Revised Code. Upon certification by the Board of Elections, these Regulations shall take immediate effect in all townships of the County which vote approval, eliminating from the plan any township which does not vote approval, as provided by Chapter 303 of the Ohio Revised Code. Abolishment of prior zoning resolutions in any township or part thereof shall be governed by the provisions of Chapter 303 of the Ohio Revised Code and any amendment thereto. If such previous zoning resolution was adopted by the County, it shall be enforced by the County Zoning Inspector as set forth in Chapter 9 of these Regulations, and the Board of Zoning Appeals shall have jurisdiction as set forth in Chapter 9.
3. (a) Except as otherwise provided in subparagraph (b) of this Section, nothing in these regulations shall prohibit the use of any land for agricultural purposes or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located and no zoning certificate shall be required for any such building or structure. [eff: 3-29-90]

Section B (continued)

- (b) The provisions of these regulations shall, in any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Revised Code, or in any area consisting of fifteen or more lots approved under Section 711.131 of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, apply to and regulate agriculture on lots of one acre or less; buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but not greater than five acres by: setback building lines, height, and size; dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least thirty-five percent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Section 4503.06 of the Revised Code. After thirty-five percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to Chapter 1, Section I and Chapter 9, Section G, 3 of these regulations. [eff: 3-29-90]
4. Nothing in these Regulations shall impose restrictions with respect to land used for legitimate purposes by any public utility or railroad with respect to the erection, maintenance, repair, alteration, remodeling, or extension of any building or structure (except general offices or other uses not directly related to provision of utility services) of any public utility or railroad, whether publicly or privately owned; except that such public utility and/or railroad buildings or structures shall conform to required setback lines.
5. Nothing in these Regulations shall impose restrictions with respect to land owned or leased by any industrial firm for the conduct of oil or natural gas well drilling or production activities, or the location of associated facilities or equipment when such oil or natural gas obtained by the industrial firm is used for the operation of its own plants. The Performance Standards contained in Chapter 8, Section A shall apply.
6. Nothing in these Regulations shall prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.

Section C - Official Zoning District Map

The Official Zoning District Map(s) dated May 1984 are an integral part of these Regulations. All Zoning District boundaries, notations, references, and other information shown on the Official Zoning District Map(s) are a part of these Regulations and shall carry the same force and effect as the balance of the material contained herein.

Section D - Interpretation and Purposes

These Regulations are the minimum requirements necessary for the promotion of the public health, public safety, and general welfare. In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements. Where these Regulations impose a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions, the provisions of these Regulations shall control.

Section E - Establishment of Zoning Districts

For the purposes as stated in Section A, Title and Enactment, the unincorporated territory of Clark County, Ohio that is subject to these Zoning Regulations is hereby divided into the following Zoning Districts: [eff: 6-1-2000]

A-1	Agricultural District
AR-1	Agricultural/Residential Districts
AR-2	Agricultural/Residential Districts
AR-5	Agricultural/Residential Districts
AR-10	Agricultural/Residential Districts
AR-25	Agricultural/Residential Districts [approved 11-27-01; eff: 12-27-01]
R-1	Rural Residence District
R-2	Low Density Single-Family Residence District
R-2A	Medium Density Single-Family Residence District
R-2B	Medium-High Density Single-Family Residence District
R-3	Medium Density Single- and Two-Family Residence District
R-4	Multiple-Family Residence District
B-1	Neighborhood Business District
B-2	Community Business District
B-3	General Business District
B-4	Heavy Business District
O-1	Office Business District
OR-2	Office Residential District [eff: 4-4-96]
I-1	Industrial District
PD	Planned Development Districts [eff: 3-25-03]
R-MHP	Residential Manufactured Home Park (Mobile Home) District
FP	Flood Plain Overlay District
OS	Open Space Overlay District [eff: 3-29-90]

Section F - Zoning District Statements of Intent

Each District on the Official Zoning District Map or Maps shall be designated for the following purposes:

A-1 Agricultural District [approved 12-13-00; eff: 1-13-01]

The A-1 Agricultural District is intended to preserve areas where soils, topographic conditions, and physical features are best suited for the pursuit of agricultural use. Also to protect the agricultural uses from encroachment of incompatible non-agricultural land uses and to preserve open areas from the encroachment of scattered urban type uses or until such time that the area is ready for more intensive development and can be provided with appropriate infrastructure and services. This district is intended to ensure that land areas which are within the unincorporated areas which are well suited for agriculture production are retained for such production, unimpeded by the establishment of incompatible uses which would hinder agricultural uses and inevitably deplete agricultural lands and uses. This district is also established to prevent the conversion of prime agricultural land to scattered non-farm development which when unregulated, unnecessarily increases the cost of public services and infrastructure to all citizens and results in the premature disinvestment in agriculture.

AR-1, AR-2, AR-5, AR-10, AR-25 Agricultural/Residential Districts [approved 11-27-01; eff: 12-27-01]

The AR-1, AR-2, AR-5, AR-10, and AR-25 Agricultural/Residential Districts are intended to allow low density and very low density residential development in areas deemed unsuitable or unuseable for agricultural uses or which will allow limited residential development in a manner so as not to impede agricultural uses.

R-1 Rural Residence District [eff: 6-1-2000]

The Rural Residence District is intended to reserve land at outlying locations in the County for single-family residential development on lots of one acre or more in size, particularly where public sewerage and water systems are not available. In addition, where public sewer and/or water is available, lower density lots should be encouraged to provide space for new residential development of a suburban character, where lots of substantial size are available for activities of children, for gardening, and for family recreation.

Section F (continued)

R-2 Low Density Single-Family Residence District

The Low Density Single-Family Residence District is intended to provide areas for single-family suburban type residential development at relatively low density on land which is generally vacant at the time of development. These areas are intended to provide space for new residential development of a suburban character on lands which are served with public water and sewerage systems.

R-2A Medium Density Single-Family Residence District

The Medium Density Single-Family Residence District is intended to provide land for single-family residential development at an intermediate density near urban areas, and also to allow for infilling on vacant lots which are of a relatively small size. Medium Density Single-Family Residence Districts are intended to be located in areas which are served with public water and sewerage systems.

R-2B Medium-High Density Single-Family Residence District

The Medium-High Density Single-Family Residence District is intended to promote the availability of affordable housing by providing areas for development of single-family homes on small lots, as well as to provide an opportunity for infilling in areas characterized by a relatively high density of housing development. Medium-High Density Single-Family Residence Districts are intended to be located in areas which are served with public water and sewerage systems.

R-3 Medium Density Single- and Two-Family Residence District

The Medium Density Single- and Two-Family Residence District is intended to provide areas for single-family and two-family residential development at an intermediate density near urban areas. The requirements of the R-3 District realize that, due to rising fuel costs and other economic concerns, some homeowners may wish to convert their single-family dwellings to two-family structures, which is permitted in the R-3 District. Medium Density Single- and Two- Family Residence Districts are intended to be located in areas which are served with public water and sewerage systems.

R-4 Multiple-Family Residence District

The Multiple-Family Residence District is intended to provide for higher density residential development in the form of low-rise multiple-family dwellings. The R-4 District reflects existing multiple-family areas as well as those areas well suited to such future development, such as areas which enjoy strategic locations relative to major intersections, major open space/terrain/ vistas, and/or high intensity commercial areas. Multiple-Family Residence Districts are intended to be located in areas which are served with public water and sewerage systems.

B-1 Neighborhood Business District

The intent of the Neighborhood Business District is to establish small, compact commercial areas at strategic locations near or adjacent to residential areas in order to provide land for retail, professional, and personal service establishments where they can serve the day-to-day and occasional shopping needs of residents of the surrounding area.

B-2 Community Business District

The Community Business District is intended to provide for a broad range of primarily retail, professional, and personal service uses which may require substantial frontage for visibility and access, and whose trade areas typically extend beyond a particular neighborhood.

B-3 General Business District

The General Business District is intended to provide land for a full range of retail, professional, personal service, or other commercial uses whose trade areas extend beyond a particular neighborhood or even beyond a township or Clark County, and whose uses would not be compatible with the uses permitted in other commercial districts and which would be detrimental to adjoining residential areas unless effectively controlled.

Section F (continued)

B-4 Heavy Business District

The intent of the B-4 Heavy Business District is to provide for heavy businesses which are incompatible with local and community business districts. [eff: 3-29-90]

O-1 Office Business District

The intent of the Office Business District is to reflect existing office uses at different locations throughout the unincorporated areas of the County, and to allow a "mix" of business and professional office establishments with existing dwellings along major thoroughfare frontage that is undergoing transition. The intent here is to structure that transition in an orderly fashion and to allow for not only changes in uses and activities, but also to allow for extensive rehabilitation of residential structures for business and professional office purposes and/or redevelopment under controlled circumstances.

OR-2 Office Residential District

This district has been established to provide for a mixture of residential, small office and professional service establishments which will maintain the residential appearance of the area and which shall not create or generate a great amount of traffic and noise. [eff: 4-4-96]

I-1 Industrial District

The intent of the Industrial District is to accommodate existing industrial development and allow land for future industrial expansion. The I-1 District is intended for land which are located with frontage along major thoroughfares and/or where convenient access exists to major highways and/or rail systems, Industrial Districts should be separated physically and functionally from residential areas and less intensively developed commercial areas.

PD Planned Development (PD) Districts [eff: 3-25-03] [eff: 9-4-08]

The Planned Development Districts are proposed to establish a zoning procedure for the development of areas on a planned basis in accordance with an overall Development Plan and specific procedures for site plan review and approval. The intent is to be flexible in the regulation of basic land planning and to encourage imaginative site planning that provides a variety of uses with usable open space. All requirements of the Planned Development District (i.e. frontage, setbacks, etc.) and all other general requirements (i.e. parking, signs, etc.) shall apply to the development use or uses as specified in the Final Development Plan.

R-MHP Residential Manufactured Home Park District

The Residential Manufactured Home Park District is intended to provide for the placement of manufactured homes in a planned physical setting upon a site under unified management, in accordance with an overall Development Plan and specific procedures for site plan review and approval. Provisions for connections to off-site water and sewerage system are required. [eff: 3-29-90]

FP Flood Plain Overlay District

The Flood Plain Overlay District is intended to promote the public health, safety, and general welfare and to minimize flood losses through provisions designed to: restrict or prohibit uses of land which are dangerous to health, safety, or property in times of flood or which may cause excessive increase in flood heights or velocities; require that uses vulnerable to floods, including facilities which serve such uses, can be protected against flood damage at the time of initial construction; and protect individuals from buying lands which are unsuited for intended purposes because of flood hazard. The FP District provides a review procedure for requests for new construction or substantial improvements to existing structures to ensure that these activities are carried out in accordance with currently acceptable flood plain management criteria. Once the flood-proofing measures of the FP District have been complied with, the standard underlying Zoning District regulations shall become the criteria for development.

Section F (continued)

OS Open Space Overlay District

The Open Space Overlay District is intended to ensure proper water management and effective conservation measures by guiding development in surface and groundwater retention areas. Land uses permitted in the OS District should generally be associated with open space and recreational activities, with the primary objectives being to conserve and protect the groundwater recharge areas of reservoirs, aquifers, and other land areas that contribute to the County's public water supply and/or recreation resources. The OS District provides a review procedure for requests for new construction or substantial improvements to existing structures to ensure that these activities will not interfere with the availability or enjoyment of water resources, or inhibit future surface and groundwater development; and to ensure that pollution abatement measures are followed.

Eastern Edge Overlay Zoning District [eff: 9-4-08]

The Eastern Edge Overlay Zoning District creates a cohesive and interjurisdictional comprehensive land use plan for the East National Road Corridor that aims to grow contextually and geographically advantageous development, respect the history and character of the area, provide best management for transportation safety and demand by maintaining independent, through interlocking development segments from the corridor's urban core to the rural edge. The overlay district recommends a uniform development standard approach to land use and zoning regulation. Land uses are guided by a future land use map and physical site and building layout is determined by transect-based zoning standards. The district requires that all new large-scale development along the Eastern Edge Corridor be zoned and planned as a Planned Development. Small-scale developments in the Corridor area may be developed according the standardized zoning.

S Specific Use Control District

The intent of the Specific Use Control (S-District), is to allow property which is being rezoned to be restricted to one or more uses of a particular zoning district to better control its use. Instead of rezoning to a district which would allow all the uses within that district, a specified use (or uses) that will be compatible with the surrounding area would be granted by the implementation of this Section. All requirements of the identified District (i.e. frontage, setbacks, etc.) and all other general requirements (i.e. parking, signs, etc.) shall apply to the specified use or uses. [eff: 2-14-85]

Section G - Filing for Rezoning by Owner/Lessee [eff: 4-4-96]

Whenever an owner or lessee of property submits an application for rezoning, said request must include the following:

1. Rezoning Application. The owner or lessee of the property or an agent who possesses "Power of Attorney" from the owner or lessee of the property (any of which are hereinafter referred to as "appropriate applicant"), must submit a written request for rezoning on the current "Rezoning Application" forms provided by Clark County. Said appropriate applicant must sign the application for rezoning. **It is recommended that a non-binding sketch plan be submitted with the rezoning application showing what development is being proposed.** All information, exhibits, and data must be provided. Any missing or incomplete information, exhibits, or data shall be a basis for rejecting an application for processing. If said application is rejected it shall not be processed and all items will be returned to the applicant. Information, exhibits, and data shall include:

- (a) Owner's or lessee's name and address.
- (b) Information about the area to be rezoned.

Section G (continued)

- (c) Accurate legal description and map.
 - (d) Copy or tracing of the current tax map showing the area to be rezoned. Said area to be rezoned shall coincide with ©) above. A dashed line shall be drawn with a two hundred (200) foot radius around the area to be rezoned. Within said two hundred (200) foot radius, all Permanent Parcel Numbers shall be shown.
 - (e) A list of all property owners, their mailing address, and Permanent Parcel Number(s) within said two hundred (200) foot radius shall be submitted. Said list shall be typed or printed on a separate 8 ½" x 11" sheet(s) of paper.
 - (f) Other items as noted on the application form.
2. Consultation With Other Agencies. Prior to submission of a rezoning application as noted in Subsection 1 above, the appropriate applicant shall consult with the following agencies as applicable:
- (a) In all cases where on-site sewage disposal is utilized (i.e., where public sewer is not available or utilized), the County Health Department or Ohio EPA, as applicable, must evaluate the soil/site suitability for on-site sewage disposal of the rezoning site and report same to the owner/lessee on the appropriate form. Said analysis shall be included with the rezoning application.
 - (b) For all rezoning cases, the Clark Soil & Water Conservation District will provide a soils investigation report for the rezoning site and provide same to the owner/lessee. Said soils report shall be included with the rezoning application.
 - (c) For all rezoning requests (except single-family districts), the County Engineer's Office must evaluate vehicular access points and drainage (including possible detention/retention areas) of the rezoning site and report same to the owner/lessee on the appropriate form. Said site analysis shall be included with the rezoning application. For rezoning requests for single-family districts, it is **highly recommended** that a site analysis be conducted by the County Engineer's Office and submitted with the rezoning application.
 - (d) For any rezoning request that involves the use of an existing building, the County Building Department, through the Chief Building Official, must evaluate the usability of said building for the proposed use and report same to the owner/lessee on the appropriate form. Said building analysis shall be included with the rezoning application.

THE APPROPRIATE APPLICANT MUST SUBMIT SUFFICIENT INFORMATION IN ORDER THAT A PROPER EVALUATION CAN BE CONDUCTED FOR THE REZONING SITE. EACH AGENCY MUST BE CONTACTED FOR SPECIFIC INFORMATION REQUIREMENTS.

Section H - Required Conformance

Except as hereinafter specifically provided,

1. No land shall be used except for a use permitted in the Zoning District in which it is located, or for a use conditionally permitted and subject to the granting of a Conditional Use.

Section H (continued)

2. No land shall be used and no building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered unless it is a use permitted in the Zoning District in which such building or structure is located.
3. No land shall be changed in use and no building or structure shall be occupied or used and no existing building or structure shall be changed in use until a Zoning Certificate has been issued by the Zoning Inspector. No such Zoning Certificate shall be issued unless the plans for the proposed building or structure or land use fully comply with the provisions of these Regulations.
4. Every building hereafter erected or structurally altered shall be located on a lot as defined. Where more than one (1) principal building is erected on a single lot, an open space shall be provided which is equal in width to twice the width of the side yard required for the use in the District in which the buildings are located.
5. No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any lot hereafter be created, which does not conform and meet the requirements of these Regulations.
6. No lot, yard, parking area, or other space shall be reduced in area or dimension so as to make such area or dimension less than the minimum required by these Regulations; and, if already less than the minimum required by these Regulations, such area or dimension shall not be further reduced. No part of a yard, parking area, or other space provided about or for any building or structure, for the purpose of complying with the provisions of these Regulations, shall be included as part of a yard, parking area, or other space required under these Regulations for another building or structure.

Section I - Regulation of Non-conformities

1. Non-conforming Uses include buildings, structures, or uses which were lawfully existing prior to the adoption of these Zoning Regulations and which are prohibited or further restricted as a result of the provisions adopted in these Zoning Regulations.
2. All Non-conforming Uses are considered by these Zoning Regulations to be incompatible with the Permitted Uses of the Zoning District in which the Non-conforming Uses are located.
3. Nothing contained in these Zoning Regulations shall be construed to require any changes to be made in the plans, construction, or designated use of any building, structure, or use on which actual construction was lawfully begun, or for which plans were officially approved by the County prior to the date of adoption of these Zoning Regulations.
 - (a) Actual construction shall include projects whereby materials have been placed on the site and fastened together in a permanent manner; where excavation of a site has begun; or where demolition of a building to make way for rebuilding has begun; provided said construction, excavation, or demolition and subsequent rebuilding shall be carried on diligently, in conformance with the requirements of Section L, 2. of this Chapter.
4. All Non-conforming buildings, structures, or uses of land which were lawfully existing prior to the adoption of these Regulations may be maintained and shall be kept in repair, provided no structural alterations shall be made except such as are required by law or authorized by the Board of Zoning Appeals.

Section I (continued)

5. Any Non-conforming building, structure, or use of land which is superseded by a use which is permitted within the Zoning District in which it is located shall thereafter be in conformance with these Regulations, and the previous Non-conforming Use shall not be resumed.
6. Any Non-conforming Use of land which is discontinued, or building or structure left vacant, for a period of two (2) years or more, shall not be resumed. Any subsequent use of the land shall be in conformance with these Regulations.
7. Any Non-conforming building or use of land which is destroyed by natural causes (fire, flood, earthquake, tornado, or the like) to the extent of more than fifty (50) percent of its replacement value, shall not be resumed or reconstructed. The remains of any building or structure shall be razed as soon as is possible (not to exceed sixty (60) days from the date of the order of the Zoning Inspector). Any subsequent use of the land thereafter shall be in conformance with these Regulations. Replacement value shall be based upon the replacement cost of the structure prior to the calamity, and shall be determined by an independent appraiser. In the case of any uncertainty as to the replacement value of a particular structure, the determination of the Clark County Building Official or his/ her representative shall be final. [eff: 3-29-90]

Notwithstanding other provisions of these regulations, the provisions of this paragraph shall not apply to buildings or structures that have been a conditionally or permitted use as herein provided. A waiver of this Section may be granted by the Board of Zoning Appeals, along with any further and additional restrictions as the Board demands. [eff: 3-29-90]

8. The Board of Zoning Appeals may authorize the extension of a Nonconforming Use throughout those parts of an existing building which manifestly were designed or arranged for such use prior to the effective date of these Regulations if no structural alterations except those required by law are made therein.
9. No Non-conforming building or structure or use may be enlarged, extended, or otherwise expanded except upon the granting of a Conditional Use by the Board of Zoning Appeals. [eff: 3-29-90]
10. Nothing in these Regulations shall grant a legal Non-conforming Use status to a Non-conforming Use that existed unlawfully prior to enactment of these Regulations.
11. See Chapter 9, Section G - Administrative Procedures, 3. (B), Restoration. [eff: 3-29-90]

Section J - Rules for Interpretation of the Official Zoning District Map

1. The boundaries of the Zoning Districts are hereby established as shown on the Zoning Map or Maps of the unincorporated territory of Clark County, Ohio, which map(s) are hereby made a part of these Regulations. The said Zoning Map(s) and all notations and references and other matters shown thereon, shall be and are hereby made part of these Regulations. Said Zoning Map(s), properly attested, shall be and remain on file in the office of the Zoning Inspector, County Planning Commission, and Rural Zoning Commission, Clark County, Ohio.
2. Except where referenced on said map(s) to a street line or other designated line by dimensions shown on said map(s), the District boundary lines are intended to follow property lines, lot lines, or centerlines of streets, alleys, streams, or railroads as they existed at the time of adoption of these Regulations or the extension of such lines. [eff: 4-4-96]

Section J (continued)

3. Where a District boundary line, as established in this Section or as shown on the Zoning Map(s), divides an existing lot or parcel, said lot or parcel is subject to the zoning requirements as defined by whatever Zoning District the part of the lot or parcel is located within. The Zoning Inspector shall make a determination as to the location of the Zoning District boundary and therefor those uses which are permitted thereon. The Zoning Inspector may use any information available in making such determination. [eff: 4-4-96]
4. Where the street or lot layout actually on the ground or as recorded differs from the street and lot lines as shown on the Official Zoning District Map(s), the Board of Zoning Appeals, after notice of public hearing to the owners of the property abutting, shall interpret the map(s) in such a way as to carry out the intent and purpose of these Regulations for the particular section or District in question.
5. Questions concerning the exact location of District boundary lines shall be determined by the Board of Zoning Appeals as provided in Chapter 9 and in accordance with rules and regulations which may be adopted by it.
6. Whenever any street, alley, or other public way is vacated by official action as provided by law, the Zoning Districts adjoining the side of such public way shall be automatically extended, depending on the side or sides to which such lands revert, to include the right-of-way thus vacated, which shall thenceforth be subject to all regulations of the extended District or Districts.
7. In every case where territory has not been specifically included within a District, or where territory becomes a part of the unincorporated area of Clark County by the disincorporation of any village, town, city, or portion thereof, such territory shall automatically be classified as an A-1 District, until otherwise classified.

Section K - Rules for Interpretation of the Zoning Regulations Text

In the interpretation of the text, the rules of interpretation contained in this Section shall be observed and applied, except when the context clearly indicates otherwise. The following rules apply to the text:

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text and any table, the text shall control.
3. The word "shall" shall be mandatory and not discretionary. The words "may" or "should" shall be permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
6. In case there is question as to the intended meaning of any provision of the text, the Board of Zoning Appeals may interpret its meaning as it applies to a particular property. Before reaching a decision in response to any such request, the Board of Zoning Appeals may obtain the written opinion of the Clark County Prosecutor thereon.

Section K (continued)

7. Any use in any District which use is not specifically listed or otherwise referenced as being permitted, but which is determined by the Board of Zoning Appeals to be of the same general character as those which are so listed as permitted in such District, but not including any use which is first permitted or is prohibited in the next less restricted District, may be authorized by the Board of Zoning Appeals.

Section L - Regulations Not Retroactive

1. Except as otherwise specified in these Regulations, any use, lot, building, or structure that exists as of the enactment date of these Regulations or any amendment thereto may be continued even though such use, lot, building, or structure may not conform to the provisions of the Zoning District in which it is located. The provisions for Non-conforming Uses shall apply.
2. Nothing contained in these Regulations shall require any change in the plans, construction, size, or designated use of a building for which a valid permit has been issued or lawful approval given before the effective date of these Regulations; provided, however, construction under such permit or approval shall have been started within six (6) months and the ground floor framework including structural parts of the second floor (where applicable) shall have been completed within one (1) year after the effective date of these Regulations.
3. The construction of a conforming structure and/or the conduct of a Permitted Use shall be allowed on any lot of record which has an area and/or lot width less than that required for such structure or Permitted Use in the Zoning District in which the lot is located. Variance of any development standard other than minimum lot area and/or minimum lot width shall be obtained only through action of the Board of Zoning Appeals. Such Non-conforming lots must be in separate ownership and not of continuous frontage with other land in the same ownership at the time of enactment or amendment of these Zoning Regulations. Otherwise, development shall be permitted only in accordance with the development standards of the Zoning District in which such ownership is located.
 - (a) In no case shall the width of any side yard be less than ten (10) percent of the width of the lot (except in the case of zero lot line or cluster dwellings, and except as permitted in the "B" and O-1 Districts); and, on a corner lot, the width of the side yard adjoining the side street lot line shall not be less than eight (8) feet or twenty (20) percent of the frontage, whichever is greater.
 - (b) The depth of the rear yard of any such lot need not exceed twenty (20) percent of the depth of the lot, but in no case shall it be less than ten (10) feet.
4. If two (2) or more lots or a combination of lots and portions lots with continuous frontage in single ownership are of record at the time of enactment or amendment of these Regulations, and if all or part of the lots with no buildings do not meet the minimum requirements established for lot width and/or area, the lands involved shall be considered to be an undivided parcel for the purposes of these Regulations.
 - (a) No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and/or area requirements established by these Regulations.
 - (b) No division of any parcel shall be made which creates a lot with a width and/or area below the requirements stated in these Regulations.

Section M - Overlapping Jurisdictions

1. There are established in certain areas of Clark County other zoning regulations known as the Wright-Patterson Air Force Base Airport Zoning Regulations and the Clark-Greene County Airport Zoning Regulations. Within the boundaries established for the Wright-Patterson Air Force Base Airport Zoning Regulations and the Clark-Greene County Airport Zoning Regulations, a Zoning Permit or other evidence of compliance with said regulations shall be obtained from the proper airport zoning authorities and presented to the Clark County Zoning Inspector prior to application for a Clark County Zoning Certificate.
2. There are established in certain low-lying areas of Clark County building restrictions for those areas situated within the jurisdictional limits of the Miami Conservancy District. Within this area, known as the Huffman Retarding Basin, no new dwellings may be constructed. Buildings for recreational or agricultural purposes may be constructed if a permit is issued by the Miami Conservancy District Property Office. All applications for building permits in the Huffman Retarding Basin must be approved by the Miami Conservancy District prior to application for a Zoning Certificate from the Clark County Zoning Inspector.
3. There are established in certain areas of Clark County wellhead/ wellfield protection regulations which identify particular usage restrictions contained within a defined area. Said wellhead/wellfield protection regulations are the result of legislation adopted by a provider of a public water supply. Said boundary is based on a scientifically derived protection area. Uses within these boundaries may be subject to these wellhead/wellfield protection regulations. [eff: 9-17-98]

Section N - Non-Conforming Yard Requirements

The front, side or rear yard setback requirements of Chapter 2 may be modified through action of the Board of Zoning Appeals in certain cases where compliance cannot be obtained due to placement requirements of water supply and/or disposal of wastes of the Clark County Health Department or the Ohio EPA, as applicable. In no case shall the front, side, or rear yard setback be less than fifty (50) percent of the required distances set forth in Chapter 2. [eff: 3-29-90]

Section O - Commentary

This document may contain commentary which is intended to clarify, explain, or elaborate on the regulations contained herein. As such, the commentary is not considered regulatory and can be changed without amending these regulations. An example would be a section which mirrors the Ohio Revised Code - section would cite "in accordance with the Ohio Revised Code" - but the commentary would explain what is in the current law. [eff: 11-30-00]

CHAPTER 2

**GENERAL ZONING
DISTRICT REGULATIONS**

SECTION A

AGRICULTURAL DISTRICT

A-1 AGRICULTURAL

[eff: 12-1-05]

PRINCIPAL PERMITTED AND CONDITIONED USES:	MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT		FOOTNOTES (Restrictions)
	LOT SIZE (Area)	FRONTAGE	YARD REQUIREMENTS (Feet)				(Feet)	(Stories)	
		WIDTH * (feet)	FRONT (Setback) **	SIDE		REAR (Setback)			
				LEAST WIDTH	SUM of BOTH				
1. Agriculture, Farm Markets, Agricultural-Related Processing & Marketing & related buildings & structures	1 Acre	150	50	30	60	50	35	2	1, 2, 3, 5, 5a, 8,16, 31
2. Single-Family Residential EXCEPTIONS to 40 acre - a. Single-Family Residential (restricted to lotsplits) b. Single-Family Residential (restricted to cluster lotsplits & bonus cluster lotsplits)	40 Acre 1 Acre # 1 Acre #	500 150 - -	40 40 40	25 25 25	60 60 60	60 60 60	35 35 35	2 2 2	2, 5, 5a, 6 2, 5, 5a, 6 2, 4, 5, 5a
3. Private Landing Field	- -	- -	- -	- -	- -	- -	- -	- -	7
4. Day-Care Homes	- -	- -	- -	- -	- -	- -	- -	- -	2, 5, 26
5. Bed and Breakfast [eff: 4-2-2000]	- -	- -	- -	- -	- -	- -	- -	- -	2, 5, 30
	# Maximum LOT SIZE - 4.99 Acre								

CONDITIONALLY PERMITTED USES (Requires BZA Approval): [eff: 6-7-01]	MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT		FOOTNOTES (Restrictions)
	LOT SIZE (Area)	FRONTAGE	YARD REQUIREMENTS (Feet)				(Feet)	(Stories)	
		WIDTH * (feet)	FRONT (Setback) **	SIDE		REAR (Setback)			
				LEAST WIDTH	SUM of BOTH				
1. Home Occupations	- -	- -	- -	- -	- -	- -	- -	- -	9
2. Private and Public Outdoor Recreation Areas	- -	- -	- -	- -	- -	- -	- -	- -	5, 11
3. Cemeteries	3 Acres	- -	- -	- -	- -	- -	- -	- -	17
4. Animal Hospitals, Veterinary Clinics & Kennels	1 Acre	150	50	30	60	50	35	2	5, 18
5. Resource and Mineral Extraction	- -	- -	- -	- -	- -	- -	- -	- -	19
6. Demolition Disposal Facility	- -	- -	- -	- -	- -	- -	- -	- -	24
7. Airports	- -	- -	- -	- -	- -	- -	- -	- -	5, 21
8. Radio, Television, & Telecommunications Transmission & Receiving Towers	5 Acres	- -	- -	- -	- -	- -	- -	- -	22
9. Hospitals and Auxiliary Facilities	1 Acre	150	100	100	300	150	35	2	23
10. Group Care Home	1 Acre	150	50	30	60	50	35	2	5, 27
11. Nursing Homes, Convalescent Homes, & Rest Homes	1 Acre	150	50	30	60	50	35	2	5, 28
12. Feed Lot, Grain Elevators, & Slaughterhouses	5 Acres	150	40	50	100	50	- -	- -	2, 5, 29
13. Day-Care Centers	1 Acre	150	50	30	60	50	35	2	2, 5, 25
14. Churches and Similar Places of Worship	1 Acre	150	50	30	60	50	45	2	5, 12
15. Primary and Secondary Schools	2 Acres	300	100	100	200	100	35	2	5, 13
16. Institutions of Higher Learning	10 Acres	300	100	100	200	100	35	2	1, 14
17. Garden Centers and Greenhouse	1 Acre	150	50	30	60	50	35	2	5, 10

* The frontage is measured at the minimum zoning front setback line. Lots 5 to 9.99 acres in size shall have a minimum frontage of 250 feet, lots 10 to 39.99 acres in size shall have a minimum frontage of 350 feet and lots 40 acres or more in size shall have a minimum frontage of 500 feet.

** The front yard setback shall be measured from the right-of-way established on the Official Thoroughfare Plan for Clark County.

NOTE: A. Off-street parking and loading/unloading requirements specified in Chapter 5.
B. Any other use which is of the same general character as the above Principal, Conditioned or Conditionally Permitted Uses as determined by the Zoning Inspector and/or by the Board of Zoning Appeals.
(All lot lines shall be identified on site)

A-1

SECTION A [eff: 4-4-96]

AGRICULTURAL DISTRICT A-1

REFERENCES TO FOOTNOTES (Restrictions) *[Right Hand Column on Table]*

1. Related buildings and structures may include private garages and manufactured farm homes for help employed on the premises as full-time farm labor. The minimum yard and height requirements for Single-Family Residences shall apply to such related buildings and structures.
2. On no lot or parcel in the A-1 district shall buildings be constructed which cover more than twenty-five (25) percent of the lot or parcel area.
3. Roadside sales of agricultural products at farm markets shall be permitted, provided that fifty (50) percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the farm market operator in a normal crop year. The size of structure shall not exceed one-hundred (100) square feet in area or ten (10) feet in height. There shall be no minimum lot size required for farm markets, however, a setback of twenty (20) feet from the adjacent existing or proposed public right-of-way shall be required. No curb cuts along a public road shall be established and, adequate area for parking shall exist adjacent to the market so as not to interfere with vehicular traffic on adjacent thoroughfares.
4. Subject to the cluster lotsplit and bonus cluster lotsplit requirements of the Clark County Subdivision Regulations. Bonus cluster lotsplits are available at a rate of one (1) for each 5 acre lot as permitted under the previous regulations as determined by the County Planning Commission staff. Should the owner/applicant dispute the number of bonus cluster lotsplits, they will be requested to submit their method of calculation for consideration. Should the owner/applicant and the County Planning Commission staff disagree, the owner/ applicant may ask that the matter be resolved by the County Planning Commission. The number of bonus cluster lotsplits shall not exceed four (4) in any calendar year. [eff: 5-3-01]
5. In every case where a lot is not served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have written approval from the Clark County Health Department or from the Ohio E.P.A., as applicable, PRIOR TO ISSUING A ZONING CERTIFICATE. [eff: 4-4-96]
- 5a. Factory-built housing subject to requirements for *Factory-Built Housing* specified in Chapter 7, Section 135. [eff: 4-4-96]
6. No parcel of land in this district shall be used for residential purposes which has an area of less than one (1) acre. All lots or parcels within this district shall have a minimum lot frontage on a public road of one hundred fifty (150) feet. For lots or parcels under five (5) acres, the depth of such lot or parcel shall not exceed an amount equal to four (4) times its width [eff: 10-17-85]. No new lot or lots shall be created by the platting of a subdivision in the A-1 District. [eff: 4-4-96]
7. Private landing fields shall be permitted as an accessory use in the A-1 District, subject to the requirements of Chapter 8, Section B., 2., (d).
8. Subject to requirements for *Agricultural-Related Processing and Marketing* specified in Chapter 7, Section 101.
9. Subject to requirements for *Home Occupations* specified in Chapter 7, Section 118.
10. Subject to requirements for *Garden Centers and Greenhouses* specified in Chapter 7, Section 139. [approved 12-13-00; eff: 1-13-01]

A-1

SECTION A *(Continued)* [eff: 4-4-96]

11. Subject to requirements for *Private and Public Outdoor Recreation Areas* specified in Chapter 7, Section 127.
12. Subject to requirements for *Churches and Similar Places of Worship* specified in Chapter 7, Section 109.
13. Subject to requirements for *Primary and Secondary Schools* specified in Chapter 7, Section 126
14. Subject to requirements for *Institutions of Higher Learning* specified in Chapter 7, Section 120.
15. (deleted) [eff: 6-7-01]
16. Subject to requirements for *Farm and Construction Labor Camps* specified in Chapter 7, Section 115.
17. Subject to requirements for *Cemeteries* specified in Chapter 7, Section 108.
18. Subject to requirements for *Animal Hospitals, Veterinary Clinics, and Kennels* specified in Chapter 7, Section 103.
19. Subject to requirements for *Resource and Mineral Extraction* specified in Chapter 7, Section 129.
20. (deleted) [eff: 6-7-01]
21. Subject to requirements for *Airports* specified in Chapter 7, Section 102.
22. Subject to requirements for *Radio, Television, and Telecommunication Transmission/Receiving Towers* specified in Chapter 7, Section 128.
23. Subject to requirements for *Hospitals and Auxiliary Facilities* specified in Chapter 7, Section 119.
24. Subject to requirements for *Demolition Disposal Facility* specified in Chapter 7, Section 132.
25. Subject to requirements for *Day-Care Centers* specified in Chapter 7, Section 112.
26. Subject to requirements for *Day-Care Homes* specified in Chapter 7, Section 133.
27. Subject to requirements for *Group Care Homes* specified in Chapter 7, Section 117.
28. Subject to requirements for *Nursing Homes, Convalescent Homes, Rest Homes* specified in Chapter 7, Section 124.
29. Subject to requirements for *Feed Lot, Grain Elevators, and Slaughterhouse* specified in Chapter 7, Section 134.
30. Subject to requirements for *Bed and Breakfast* specified in Chapter 7, Section 137.
31. Subject to requirements for *Manufactured Farm Homes* specified in Chapter 7, Section 122. [eff: 5-3-01]

SECTION B

[EFF: 6-1-2000]

SINGLE-FAMILY RESIDENCE DISTRICTS	R-1 RURAL	R-2A MEDIUM DENSITY
	R-2 LOW DENSITY	R-2B MEDIUM-HIGH DENSITY

PRINCIPAL PERMITTED AND CONDITIONED USES:	ZONING DISTRICTS				MINIMUM ZONING LOT REQUIREMENTS						MAX. HEIGHT		FOOTNOTES (Restrictions)
					LOT SIZE (Area)	FRONTAGE	YARD REQUIREMENTS (Feet)				(Feet)	(Stories)	
	WIDTH (Feet) *	FRONT (Setback) **	SIDE				REAR (Setback)						
			LEAST WIDTH	SUM of BOTH									
1. Single-Family Dwellings (Note special requirements contained in Footnote 2)	Y N N N	Y Y N N	Y Y Y N	Y Y Y Y	20,000 SF 12,000 SF 7,500 SF 5,000 SF	100 80 60 50	35 30 25 25	12 6 6 6	30 16 16 16	50 25 25 25	35 35 35 35	2 2 2 2	1, 1a, 2 1, 1a, 2 1, 1a, 2 1, 1a, 2
2. Bed and Breakfast (Note special requirements contained in Footnote 2) [eff: 4-20-2000]	Y N N N	Y Y N N	Y Y Y N	Y Y Y Y	20,000 SF 12,000 SF 7,500 SF 5,000 SF	100 80 60 50	35 30 25 25	12 6 6 6	30 16 16 16	50 25 25 25	35 35 35 35	2 2 2 2	1, 1a, 2, 5 1, 1a, 2, 5 1, 1a, 2, 5 1, 1a, 2, 5
3. Agriculture and Related Buildings and Structures					- -	- -	- -	- -	- -	- -	- -	- -	1, 1a, 2, 3
	Y = Yes (Permitted) N = No (Not Permitted)												

CONDITIONALLY PERMITTED USES (Requires BZA Approval):	ZONING DISTRICTS				MINIMUM ZONING LOT REQUIREMENTS						MAX. HEIGHT		FOOTNOTES (Restrictions)
					LOT SIZE (Area)	FRONTAGE	YARD REQUIREMENTS (Feet)				(Feet)	(Stories)	
	WIDTH (Feet) *	FRONT (Setback) **	SIDE			REAR (Setback)							
	R-1	R-2	R-2A	R-2B				LEAST WIDTH	SUM of BOTH				
1. Home Occupation	Y	Y	Y	Y	- -	- -	- -	- -	- -	- -	- -	- -	4
2. Churches & similar places of worship	Y	Y	Y	Y	1 Acre	150	50	30	60	50	45	2	1, 6
3. Primary & Secondary Schools	Y	Y	Y	Y	90,000 SF	300	100	100	200	100	35	2	1, 7
4. Institutions of Higher Learning	Y	N	N	N	10 Acres	300	100	100	200	100	35	2	1, 8
5. Hospitals & Auxiliary Facilities	Y	Y	Y	N	2 Acres	150	100	100	300	150	35	2	1, 9
6. Group Care Homes (Note special requirements contained in Footnote 2)	Y	Y	Y	Y	20,000 SF	100	35	12	30	50	35	2	1, 2, 10
	N	Y	Y	Y	12,000 SF	80	30	6	16	25	35	2	1, 2, 10
	N	N	Y	Y	7,500 SF	60	25	6	16	25	35	2	1, 2, 10
	N	N	N	Y	5,000 SF	50	25	6	16	25	35	2	1, 2, 10
7. Farm Markets	Y	Y	Y	Y	- -	- -	- -	- -	- -	- -	- -	- -	11
8. Cemeteries	Y	N	N	N	3 Acres	- -	- -	- -	- -	- -	- -	- -	12
9. Day-Care Homes (Note special requirements contained in Footnote 2)	Y	Y	Y	Y	20,000 SF	100	45	20	40	60	35	2	1, 2, 13
	N	Y	Y	Y	12,000 SF	80	35	15	25	35	35	2	1, 2, 13
	N	N	Y	Y	7,500 SF	60	35	15	25	35	35	2	1, 2, 13
	N	N	N	Y	5,000 SF	50	35	15	25	35	35	2	1, 2, 13
10. Nursing Homes, Convalescent Homes, Rest Homes	Y	Y	Y	N	1 Acre	150	50	30	60	60	35	2	1, 14
11. Radio, Television & Tele- communication Transmission / Receiving Towers	Y	N	N	N	5 Acres	- -	- -	- -	- -	- -	- -	- -	15
12. Zero Lot Line, Cluster, Detached, Semi-detached Dwellings, or other housing types of a similar character	N	Y	Y	Y	- -	- -	- -	- -	- -	- -	- -	- -	1, 2, 16
	Y = Yes (Permitted) N = No (Not Permitted)												

* The frontage is measured at the minimum zoning front setback line. Lots 5 to 10 acres in size shall have a minimum frontage of 250 feet and lots more than 10 acres in size shall have a minimum frontage of 350 feet.

** The front yard setback shall be measured from the right-of-way established on the Official Thoroughfare Plan for Clark County.

NOTE: A. Off-street parking and loading/unloading requirements specified in Chapter 5.
B. Any other use which is of the same general character as the above Principal, Conditioned or Conditionally Permitted Uses as determined by the Zoning Inspector and/or by the Board of Zoning Appeals.

R-1, R-2, R-2A & R-2B

(All lot lines shall be identified on site)

SECTION B [eff: 4-4-96]

SINGLE-FAMILY RESIDENCE DISTRICTS R-1, R-2, R-2A, & R-2B REFERENCES TO FOOTNOTES (Restrictions) [Right Hand Column on Table]

1. In every case where a lot is not served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have written approval from the Clark County Health Department or from the Ohio E.P.A., as applicable, PRIOR TO ISSUING A ZONING CERTIFICATE. [eff: 4-4-96]
- 1a. Manufactured housing subject to requirements for Manufactured Home specified in Chapter 7, Section 135. [eff: 6-1-2000]
2. All Principal, Conditioned, and Conditionally Permitted Uses not served by public sewer and/or water shall have a minimum frontage, lot size (area), and setbacks as noted below: [eff: 12-1-2005]

UTILITIES SERVING PROPERTY	FRONTAGE	LOT SIZE	SETBACKS			
			Front	Side (Least Width)	Side (Sum of Both)	Rear
No public sewer or water -	150 feet	1 acre	40 feet	15 feet	50 feet	60 feet
Public water only -	125 feet	¾ acre	35 feet	12 feet	30 feet	50 feet
Public sewer only -	100 feet	½ acre	35 feet	12 feet	30 feet	50 feet

3. Related buildings and structures may include private garages, and manufactured farm homes for full-time farm labor. The minimum yard and height requirements for single-family dwellings in the R-1 district shall apply to such related buildings and structures.
4. Subject to requirements for *Home Occupations* specified in Chapter 7, Section 118.
5. Subject to requirements for *Bed and Breakfast* specified in Chapter 7, Section 137.
6. Subject to requirements for *Churches and Similar Places of Worship* specified in Chapter 7, Section 109.
7. Subject to requirements for *Primary and Secondary Schools* specified in Chapter 7, Section 126.
8. Subject to requirements for *Institutions of Higher Learning* specified in Chapter 7, Section 120.
9. Subject to requirements for *Hospitals and Auxiliary Facilities* specified in Chapter 7, Section 119.
10. Subject to requirements for *Group Care Homes* specified in Chapter 7, Section 117.
11. Roadside sales of agricultural products at farm markets shall be permitted, provided that fifty (50) percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the farm market operator in a normal crop year. The size of structure shall not exceed one-hundred (100) square feet in area or ten (10) feet in height. There shall be no minimum lot size required for farm markets, however, a setback of twenty (20) feet from the adjacent public right-of-way shall be required. No curb cuts along a public road shall be established and, adequate area for parking shall exist adjacent to the market so as not to interfere with vehicular traffic on adjacent thoroughfares.
12. Subject to requirements for *Cemeteries* specified in Chapter 7, Section 108.
13. Subject to requirements for *Day-Care Home* specified in Chapter 7, Section 133.
14. Subject to requirements for *Nursing Homes, Convalescent Homes, and Rest Homes* specified in Chapter 7, Section 124.
15. Subject to requirements for *Radio, Television, and Telecommunication Transmission/Receiving Towers* specified in Chapter 7, Section 128.
16. Subject to requirements for *Zero Lot Line, Cluster, Detached, Semi-Detached, or Attached Dwellings* specified in Chapter 7, Section 131.

**R-1, R-2,
R-2A, & R-2B**

SECTION C

SINGLE, TWO, AND
MULTI-FAMILY
RESIDENCE DISTRICTS

R-3 MEDIUM DENSITY SINGLE & TWO FAMILY

R-4 MULTIPLE-FAMILY

PRINCIPAL PERMITTED AND CONDITIONED USES:	ZONING DISTRICTS				MINIMUM ZONING LOT REQUIREMENTS						MAX. HEIGHT		FOOTNOTES
					LOT SIZE (Area)	FRONTAGE	YARD REQUIREMENTS (Feet)				(Feet)	(Stories)	
	WIDTH (Feet) *	FRONT (Setback) **	SIDE				REAR (Setback)						
			LEAST WIDTH	SUM of BOTH									
		R-3	R-4										
1. Single-Family Dwellings		Y	Y		7,500 SF	60	25	6	16	25	35	2	1, 1a, 2
2. Two-Family Dwellings		Y	Y		10,000 SF	80	25	8	20	25	35	2	1, 2
3. Three-Family Dwellings		N	Y		11,000 SF	80	25	10	24	25	35	2	1, 2
4. Four-Family Dwellings		N	Y		12,000 SF	80	25	10	24	25	35	2	1, 2
5. Multiple-Family Dwellings		N	Y		- -	100	25	12	28	25	45	3	1, 2, 3
6. Condominium Residences		N	Y		- -	- -	- -	- -	- -	- -	- -	- -	1, 2, 3, 12
7. Agriculture and Related Buildings & Structures		Y	Y		- -	- -	- -	- -	- -	- -	- -	- -	1, 2, 4

Y = Yes (Permitted)
N = No (Not Permitted)

CONDITIONALLY PERMITTED USES (Requires BZA Approval):	ZONING DISTRICTS			MINIMUM ZONING LOT REQUIREMENTS						MAX. HEIGHT		FOOTNOTES (Restrictions)	
				LOT SIZE (Area)	FRONTAGE WIDTH (Feet) *	YARD REQUIREMENTS (Feet)			(Feet)	(Stories)			
	FRONT (Setback) **	SIDE				REAR (Setback)							
LEAST WIDTH		SUM of BOTH											
1. Zero Lot Line, Cluster, Detached, Semi- detached, or Attached Dwellings, or other housing types of a similar character		Y	Y		- -	- -	- -	- -	- -	- -	- -	1, 2, 6	
2. Home Occupation		Y	Y		- -	- -	- -	- -	- -	- -	- -	5	
3. Churches & similar places of worship		Y	Y		1 Acre	150	50	30	60	50	45	2, 7	
4. Group Care Homes		Y	Y		7,500 SF	60	25	6	16	25	35	2	1, 2, 8
5. Day-Care Homes		Y	Y		7,500 SF	60	35	15	25	35	35	2	1, 2, 9
6. Day-Care Centers		N	Y		1 Acre	150	50	30	60	50	35	2	2, 10
7. Community Facilities		N	Y		20,000 SF	- -	- -	- -	- -	- -	35	2	1, 2, 11

Y = Yes (Permitted)
N = No (Not Permitted)

* The frontage is measured at the minimum zoning front setback line. Lots 5 to 10 acres in size shall have a minimum frontage of 250 feet and lots more than 10 acres in size shall have a minimum frontage of 350 feet.

** The front yard setback shall be measured from the right-of-way established on the Official Thoroughfare Plan for Clark County.

NOTE: A. Off-street parking and loading/unloading requirements specified in Chapter 5.
B. Any other use which is of the same general character as the above Principal, Conditioned or Conditionally Permitted Uses as determined by the Zoning Inspector and/or by the Board of Zoning Appeals.

(All lot lines shall be identified on site)

R- 3 & R-4

SECTION C [eff: 4-4-96]

SINGLE-, TWO-, AND MULTIPLE-FAMILY DISTRICT R-3 & R-4

REFERENCES TO FOOTNOTES (Restrictions) [Right Hand Column on Table]

1. All Principal, Conditioned, and Conditionally Permitted Uses shall have a minimum frontage and lot size (area) as noted below: [eff: 4-4-96]

<u>UTILITIES SERVING PROPERTY</u>	<u>FRONTAGE</u>	<u>LOT SIZE</u>
No public sewer or water -	150'	1 acre
Public water only -	125'	3/4 acre
Public sewer only -	100'	1/2 acre

NOTE: Public sewer and water required for three-, four-, or multiple-family dwellings.

- 1a. Factory-built housing subject to requirements for *Factory-Built Housing* specified in Chapter 7, Section 135. [eff: 4-4-96]
2. In every case where a lot is not served with and is not proposed to be served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have written approval from the Clark County Health Department or approval from the Ohio E.P.A., as applicable, **PRIOR TO ISSUING A ZONING CERTIFICATE**. NOTE: Public sewer and water required for three-, four-, or multiple-family dwellings. [eff: 4-4-96]
3. The minimum lot size requirement for multiple-family dwellings (i.e., in excess of a four-family dwelling) shall be two thousand nine hundred (2,900) square feet in lot area for each dwelling unit. [eff: 4-4-96]
4. Related buildings and structures may include private garages and manufactured farm homes for full- time farm labor. The minimum yard and height requirements for single-family dwellings in the R-3 or R-4 district, as applicable, shall apply to such related buildings and structures. [eff: 4-4-96]
5. Subject to requirements for *Home Occupations* specified in Chapter 7, Section 118.
6. Subject to requirements for *Zero Lot Line, Cluster, Detached, Semi-Detached, or Attached Dwellings* specified in Chapter 7, Section 131.
7. Subject to requirements for *Churches and Similar Places of Worship* specified in Chapter 7, Section 109.
8. Subject to requirements for *Group Care Homes* specified in Chapter 7, Section 117.
9. Subject to requirements for *Day-Care Homes* specified in Chapter 7, Section 133.
10. Subject to requirements for *Day-Care Centers* specified in Chapter 7, Section 112.
11. Subject to requirements for *Community Facilities* specified in Chapter 7, Section 111.
12. Subject to requirements for *Condominium Residences* specified in Chapter 7, Section 140.

SECTION D

R-MHP RESIDENTIAL MANUFACTURED HOME PARK (MOBILE HOME)

PRINCIPAL PERMITTED USES:	MINIMUM ZONING LOT REQUIREMENTS						MAX. HEIGHT		FOOTNOTES (Restrictions)	
	LOT SIZE (Area)	FRONTAGE	YARD REQUIREMENTS (Feet)				(Feet)	(Stories)		
			WIDTH (Feet) *	FRONT (Setback) **	SIDE					REAR (Setback)
					LEAST WIDTH	SUM of BOTH				
1. Mobile Homes	5 Acres	300	50	30	60	50	15	1	1, 2	
2. Manufactured Homes	5 Acres	300	50	30	60	50	35	1	1, 2	
3. Communal Facilities	10,000 SF	300	50	30	60	50	35	2	1, 2	

* The frontage is measured at the minimum zoning front setback line. Lots 5 to 10 acres in size shall have a minimum frontage of 250 feet and lots more than 10 acres in size shall have a minimum frontage of 350 feet.

** The front yard setback shall be measured from the right-of-way established on the Official Thoroughfare Plan for Clark County.

NOTE: A. Off-street parking and loading/unloading requirements specified in Chapter 5.
B. Any other use which is of the same general character as the above Principal, Conditioned or Conditionally Permitted Uses as determined by the Zoning Inspector and/or by the Board of Zoning Appeals.

(All lot lines shall be identified on site)

REFERENCES TO FOOTNOTES: (Restrictions) - (Right Hand Column on Table Above)

- The requirements for (Mobile Home) Manufactured Home Parks contained in Chapter 4 shall also apply.
- In any case where a lot is not provided with public water or disposal of sanitary wastes by means of public sewers, the proposed water supply system and/or disposal of wastes shall have written approval from the legally authorized agency charged with issuing water and sewage permits for this type of use.

SECTION E

PD PLANNED DEVELOPMENT DISTRICTS

[eff: 3-25-03]

PRINCIPAL PERMITTED USES:	MINIMUM ZONING LOT REQUIREMENTS						MAX. HEIGHT		FOOTNOTES
	LOT SIZE (Area)	FRONTAGE	YARD REQUIREMENTS (Feet)			(Feet)	(Stories)	(Restrictions)	
			WIDTH (Feet) *	FRONT (Setback) **	SIDE				REAR (Setback)
		LEAST WIDTH			SUM of BOTH				
1. PD-R (RESIDENTIAL)	- -	- -	- -	- -	- -	- -	- -	- -	1
2. PD-O (OFFICE)	- -	- -	- -	- -	- -	- -	- -	- -	1
3. PD-B (BUSINESS)	- -	- -	- -	- -	- -	- -	- -	- -	1
4. PD-I (INDUSTRIAL)	- -	- -	- -	- -	- -	- -	- -	- -	1
5. PD-M (MIXED USE)	- -	- -	- -	- -	- -	- -	- -	- -	1
6. PD-C (CONSERVATION)	- -	- -	- -	- -	- -	- -	- -	- -	1
CONDITIONALLY PERMITTED USES (Requires BZA Approval):									
1. Home Occupation	- -	- -	- -	- -	- -	- -	- -	- -	2

* The frontage is measured at the minimum zoning front setback line. Lots 5 to 10 acres in size shall have a minimum frontage of 250 feet and lots more than 10 acres in size shall have a minimum frontage of 350 feet.

** The front yard setback shall be measured from the right-of-way established on the Official Thoroughfare Plan for Clark County.

NOTE: A. Off-street parking and loading/unloading requirements specified in Chapter 5.

(All lot lines shall be identified on site)

REFERENCES TO FOOTNOTES (Restrictions) - [Right Hand Column on Table Above]

- See the uses and requirements for Planned Developments contained in Chapter 4.
- Subject to requirements for Home Occupations specified in Chapter 7, Section 118.

R-MHP, PUD

SECTION F

RESERVED FOR FUTURE USE

[eff: 3-25-03]

SECTION G

OFFICE DISTRICTS

O-1 OFFICE BUSINESS

OR-2 OFFICE RESIDENTIAL

PRINCIPAL PERMITTED AND CONDITIONED USES:	ZONING DISTRICTS				MINIMUM ZONING LOT REQUIREMENTS					MAX. HEIGHT		FOOTNOTES (Restrictions)	
					LOT SIZE (Area)	FRONTAGE WIDTH (Feet) *	YARD REQUIREMENTS (Feet)			(Feet)	(Stories)		
	FRONT (Setback) **	SIDE		REAR (Setback)									
		LEAST WIDTH	SUM of BOTH										
1. Business and/or Professional Offices, including Medical and Dental Clinics		Y	N		7,500 SF	60	50	- -	- -	- -	45	3	1, 2, 3, 4, 5, 6, 7
2. Banks and Financial Institutions		Y	N		7,500 SF	60	50	- -	- -	- -	45	3	1, 2, 3, 4, 5, 6, 7
3. Law, Real Estate, and Insurance Offices		Y	N		7,500 SF	60	50	- -	- -	- -	45	3	1, 2, 3, 4, 5, 6, 7
4. Business Service Establishments		Y	N		7,500 SF	60	50	- -	- -	- -	45	3	1, 2, 3, 4, 5, 6, 7
5. Single-Family Dwellings		N	Y		7,500 SF	60	25	6	16	25	35	2	1, 2
6. Incidental Business Uses		N	Y		7,500 SF	60	25	6	16	25	35	2	1, 2, 6, 8, 9

Y = Yes (Permitted)
N = No (Not Permitted)

* The frontage is measured at the minimum zoning front setback line. Lots 5 to 10 acres in size shall have a minimum frontage of 250 feet and lots more than 10 acres in size shall have a minimum frontage of 350 feet.

** The front yard setback shall be measured from the right-of-way established on the Official Thoroughfare Plan for Clark County.

NOTE: A. Off-street parking and loading/unloading requirements specified in Chapter 5.
B. Any other use which is of the same general character as the above Principal, Conditioned or Conditionally Permitted Uses as determined by the Zoning Inspector and/or by the Board of Zoning Appeals.

(All lot lines shall be identified on site)

REFERENCES TO FOOTNOTES (Restrictions) - [Right Hand Column on Table Above]

1. All Principal, Conditioned, and Conditionally Permitted Uses shall have a minimum frontage and lot size (area) as noted below:

UTILITIES SERVING PROPERTY	FRONTAGE	LOT SIZE
No Public Sewer or Water -	150'	1 Acre
Public Water Only -	150'	3/4 Acre
Public Sewer Only -	100'	1/2 Acre

- In every case where a lot is not served with and is not proposed to be served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have written approval from the Clark County Health Department or approval from the Ohio E.P.A., as applicable, prior to issuing a zoning certificate.
- No side yard shall be required, except that a side yard of twenty-five (25) feet shall be required between the principal building within an O-1 District and the lot line of any lot within an A-1 or "R" District; and, if located on a corner lot, the side yard requirement shall be twenty-five (25) feet when such side yard abuts on a public thoroughfare.
- The rear yard requirement for all Principal Permitted and Conditioned Uses in the O-1 District shall be twenty (20) feet, except when a lot abuts an A-1 or "R" District, in which case the required rear yard shall be forty (40) feet.
- All commercial areas adjacent to Agricultural or Residential Districts shall provide a screening of shrubbery or artificial fencing so as to hide trash collection areas and service and storage areas from the view of adjacent agricultural or residential areas. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner.
- All uses, activities, and transactions (with the exception of off-street parking and loading/unloading) shall be conducted entirely within an enclosed building.
- No business or office unit in this District shall contain more than five thousand (5,000) square feet of ground floor space.
- Related buildings and structures may include storage structures and other accessory buildings as defined in Chapter 10.
- Subject to requirements for Office-Residential uses specified in Chapter 7, Section 141.

O-1, OR-2

SECTION H

BUSINESS DISTRICTS	B-1 NEIGHBORHOOD	B-3 GENERAL
	B-2 COMMUNITY	B-4 HEAVY

B-1 NEIGHBORHOOD BUSINESS [eff: 11-6-08]

PRINCIPAL PERMITTED AND CONDITIONED USES: [See TABLE 2.1 for Miscellaneous Requirements & TABLE 2.2 for Lot Frontage, Size, Height, & Setbacks]		FOOTNOTES (Restrictions)
1. Business and/or Professional Offices		1, 2, 3, 4, 5, 6
2. Banks, Financial Institutions, & Loan Businesses		1, 2, 3, 4, 5, 6
3. Local retail or service establishments, including: camera, photo, or electronic store grocery, fruit or vegetable store bakery goods, pizza or delicatessen store toy store, hobby shop, or home decorations store book store, news stand, or stationery store drugstore, florist, jewelry, gift, or optical store laundromat, clothes cleaning & laundry pick-up station	luggage or leather goods store health & fitness center including spas pressing, alteration, sewing & garment repair shoe store or shoe repair shop durable goods, furniture & appliance store hardware store barber or beauty shop candy or ice cream store	1, 2, 3, 4, 5, 6
4. Restaurant excluding: a) Drive-in or Drive-thru b) those providing entertainment or dancing		1, 2, 3, 4, 5, 6
5. Radio and Television Broadcasting Studios		1, 2, 3, 4, 5, 6
6. Funeral Homes & Mortuaries		1, 2, 3, 5, 6, 7
7. Custom Butcher Shop or meat market		1, 2, 3, 4, 5, 6
PRINCIPAL PERMITTED AND CONDITIONED USES: [See TABLE 2.1 for Miscellaneous Requirements & CHAPTER 7 for Lot Frontage, Size, Height, & Setbacks]		FOOTNOTES (Restrictions)
8. Automotive Service Stations without repair facilities and excluding temporary or short-term or long-term outside storage of parts and/or vehicles		1, 2, 3, 4, 5, 6, 9

CONDITIONALLY PERMITTED USES - Requires BZA Approval [See TABLE 2.1 for Miscellaneous Requirements & TABLE 2.2 for Lot Frontage, Size, Height, & Setbacks]		FOOTNOTES (Restrictions)
1. Indoor Private & Commercial Recreation Establishments		1, 2, 3, 4, 5, 6, 11
2. Day-Care Centers		1, 2, 3, 5, 6, 8
3. Clubs, Fraternal or Lodge Organizations		1, 2, 3, 4, 5, 6
CONDITIONALLY PERMITTED USES - Requires BZA Approval [See TABLE 2.1 for Miscellaneous Requirements & CHAPTER 7 for Lot Frontage, Size, Height, & Setbacks]		FOOTNOTES (Restrictions)
4. Nursing Homes, Convalescent Homes, Rest Homes		1, 2, 3, 5, 10
5. Churches & similar places of worship		1, 2, 3, 5, 29

TABLE 2.1

- The frontage is measured at the minimum zoning front setback line. Lots 5 to 10 acres in size shall have a minimum frontage of 250 feet and lots more than 10 acres in size shall have a minimum frontage of 350 feet.
- The front yard setback shall be measured from the right-of-way established on the Official Thoroughfare Plan for Clark County.
- Off-street parking and loading/unloading requirements specified in Chapter 5.
- Sign requirements are specified in Chapter 6.
- Any other use which is of the same general character as the above Principal, Conditioned or Conditionally Permitted Uses as determined by the Zoning Inspector and/or by the Board of Zoning Appeals.
- The lot area is exclusive of any area within the road right-of-way either existing or proposed on the Clark County Thoroughfare Plan.

TABLE 2.2

MINIMUM LOT FRONTAGE 75' (subject to FOOTNOTE 1)	MINIMUM LOT AREA 10,000 square feet (subject to FOOTNOTE 1)	MINIMUM FRONT YARD SETBACK 35'	MAXIMUM BUILDING HEIGHT 35'
MINIMUM BUILDING SIDE AND REAR SETBACKS			
When abutting all Districts except "O", "B" or "I" Districts MINIMUM SIDE SETBACK = 20' MINIMUM REAR SETBACK = 50'		When abutting any "O", "B" or "I" Districts MINIMUM SIDE SETBACK = 5' MINIMUM REAR SETBACK = 20'	

SECTION H (con't.)

B-2 COMMUNITY BUSINESS [eff: 11-6-08]

PRINCIPAL PERMITTED AND CONDITIONED USES: [See TABLE 2.1 for Miscellaneous Requirements & TABLE 2.3 for Lot Frontage, Size, Height, & Setbacks]	FOOTNOTES (Restrictions)
1. Uses listed as "Principal Permitted & Conditioned Uses" in the B-1 District but said uses must meet B-2 frontage, area, setbacks and other standards or CHAPTER 7 requirements if more restrictive.	
2. Indoor Motion Picture Theaters	1, 2, 3, 4, 5, 6
3. Restaurants, including Drive-in, Carry-out, and Drive-thru excluding: a) those providing entertainment or dancing	1, 2, 3, 4, 5, 6, 14
4. Garden Centers and Greenhouses	1, 2, 3, 4, 5
5. Printing, publishing, and lithograph shops	1, 2, 3, 4, 5, 6
6. Antique & antique refinishing shop	1, 2, 3, 4, 5, 6
7. Furniture upholstery & refinishing shop	1, 2, 3, 4, 5, 6
8. Automotive Service Stations with repair facilities and excluding temporary or short-term or long-term outside storage of parts and/or vehicles	1, 2, 3, 4, 5
9. Car Rental pick up facility	1, 2, 3, 4, 5
10. Car Washes	1, 2, 3, 4, 5, 16
11. Bowling alleys or billiard parlors	1, 2, 3, 4, 5, 6
12. Air Conditioning, Plumbing, Heating, and Roofing Shops	1, 2, 3, 4, 5, 6
13. Automotive Parts Store selling new or newly remanufactured parts and/or tires and batteries	1, 2, 3, 4, 5, 6
14. Indoor Private & Commercial Recreation Establishments	1, 2, 3, 4, 5, 6, 11

CONDITIONALLY PERMITTED USES (Requires BZA Approval) [See TABLE 2.1 for Miscellaneous Requirements & TABLE 2.3 for Lot Frontage, Size, Height, & Setbacks]	FOOTNOTES (Restrictions)
1. Uses listed as "Conditionally Permitted Uses" in the B-1 District but said uses must meet B-2 frontage, area, setbacks and other standards or CHAPTER 7 requirements if more restrictive.	
2. Animal Hospitals, Veterinary Clinics, and Kennels	1, 2, 3, 4, 5, 6, 12
3. Bars and Taverns	1, 2, 3, 4, 5, 6, 13

TABLE 2.3			
MINIMUM LOT FRONTAGE 100' (subject to FOOTNOTE 1)	MINIMUM LOT AREA 15,000 square feet (subject to FOOTNOTE 1)	MINIMUM FRONT YARD SETBACK 35'	MAXIMUM BUILDING HEIGHT 35'
MINIMUM BUILDING SIDE AND REAR SETBACKS			
When abutting all Districts except "O", "B" or "I" Districts MINIMUM SIDE SETBACK = 25' MINIMUM REAR SETBACK = 60'		When abutting any "O", "B" or "I" Districts MINIMUM SIDE SETBACK = 5' MINIMUM REAR SETBACK = 20'	

B-2

SECTION H (con't.)

B-3 GENERAL BUSINESS [eff: 11-6-08]

PRINCIPAL PERMITTED AND CONDITIONED USES: [See TABLE 2.1 for Miscellaneous Requirements & TABLE 2.4 for Lot Frontage, Size, Height, & Setbacks]		FOOTNOTES (Restrictions)
1. Uses listed as "Principal Permitted & Conditioned Uses" in the B-2 District but said uses must meet B-3 frontage, area, setbacks and other standards or CHAPTER 7 requirements if more restrictive.		
2. Building and Related Trades		1, 2, 3, 4, 5, 6
3. Building Material Sales Yard		1, 2, 3, 4, 5, 6, 17
4. Automotive sales - new & used		1, 2, 3, 4, 5
5. Automotive Repair or Body Shop provided all outside storage is screened on all sides by a well maintained 6 foot opaque wall or fence		1, 2, 3, 4, 5, 6, 15, 22
6. Wholesale Establishments		1, 2, 3, 4, 5, 6
7. Restaurants, including Drive-in, Carry-out, and Drive-thru and those providing entertainment or dancing		1, 2, 3, 4, 5, 6, 14
PRINCIPAL PERMITTED AND CONDITIONED USES: [See TABLE 2.1 for Miscellaneous Requirements & CHAPTER 7 for Lot Frontage, Size, Height, & Setbacks]		FOOTNOTES (Restrictions)
8. Animal Hospitals, Veterinary Clinics, and Kennels		1, 2, 3, 4, 5, 6, 12
9. Drive-In Motion Picture Theater		1, 2, 3, 5, 18
10. Private and Public Outdoor Recreation Areas		1, 2, 3, 5, 19
11. Motels and Hotels		1, 2, 3, 4, 5, 6, 20
12. Hospitals & Auxiliary Facilities		1, 2, 3, 4, 5, 6, 21

CONDITIONALLY PERMITTED USES (Requires BZA Approval) [See TABLE 2.1 for Miscellaneous Requirements & TABLE 2.4 for Lot Frontage, Size, Height, & Setbacks]		FOOTNOTES (Restrictions)
1. Uses listed as "Conditionally Permitted Uses" in the B-2 District but said uses must meet B-3 frontage, area, setbacks and other standards or CHAPTER 7 requirements if more restrictive.		

TABLE 2.4			
MINIMUM LOT FRONTAGE 100' (subject to FOOTNOTE 1)	MINIMUM LOT AREA 15,000 square feet (subject to FOOTNOTE 1)	MINIMUM FRONT YARD SETBACK 40'	MAXIMUM BUILDING HEIGHT 35'
MINIMUM BUILDING SIDE AND REAR SETBACKS			
When abutting all Districts except "O", "B" or "I" Districts MINIMUM SIDE SETBACK = 25' MINIMUM REAR SETBACK = 60'		When abutting any "O", "B" or "I" Districts MINIMUM SIDE SETBACK = 5' MINIMUM REAR SETBACK = 20'	

SECTION H (con't.)

B-4 HEAVY BUSINESS [eff: 11-6-08]

PRINCIPAL PERMITTED AND CONDITIONED USES: [See TABLE 2.1 for Miscellaneous Requirements & TABLE 2.5 for Lot Frontage, Size, Height, & Setbacks]		FOOTNOTES (Restrictions)
1. Uses listed as "Principal Permitted & Conditioned Uses" in the B-3 District but said uses must meet B-4 frontage, area, setbacks and other standards or CHAPTER 7 requirements if more restrictive.		
2. Carpenter, Sheet Metal & Sign Painting Shop, Bakery, Laundry, Wholesale Business		1, 2, 3, 4, 5, 6, 25, 26
3. Bottling of Soft Drinks and Milk or Distributing Stations		1, 2, 3, 4, 5, 6, 23, 24, 26
4. Contractor's Equipment Storage Yard or Storage & Rental of Contractor's Equipment		1, 2, 3, 4, 5, 24, 26
5. Motor Vehicle, Boat, & Camper Storage		1, 2, 3, 4, 5, 24, 26, 27
6. Trucking and Motor Freight Station or Terminal		1, 2, 3, 4, 5, 6, 24, 26
7. Carting, Express, or Hauling Establishment		1, 2, 3, 4, 5, 6, 24, 26
8. Stone or Monument Works		1, 2, 3, 4, 5, 6, 24, 26
9. Mini-Warehouse or Self Storage Facility		1, 2, 3, 24, 26
10. Recycling center & transfer station		1, 2, 3, 4, 5, 6, 24, 26
11. Research lab		1, 2, 3, 4, 5, 6, 24, 26
PRINCIPAL PERMITTED AND CONDITIONED USES: [See TABLE 2.1 for Miscellaneous Requirements & CHAPTER 7 for Lot Frontage, Size, Height, & Setbacks]		FOOTNOTES (Restrictions)
12. Private and Public Outdoor Recreation Areas		1, 2, 3, 5, 20

CONDITIONALLY PERMITTED USES (Requires BZA Approval) [See TABLE 2.1 for Miscellaneous Requirements & TABLE 2.5 for Lot Frontage, Size, Height, & Setbacks]		FOOTNOTES (Restrictions)
1. Uses listed as "Conditionally Permitted Uses" in the B-3 District but said uses must meet B-4 frontage, area, setbacks and other standards or CHAPTER 7 requirements if more restrictive.		
2. Adult Entertainment Establishments		1, 2, 3, 5, 6, 28

TABLE 2.5			
MINIMUM LOT FRONTAGE 100' (subject to FOOTNOTE 1)	MINIMUM LOT AREA 25,000 square feet (subject to FOOTNOTE 1)	MINIMUM FRONT YARD SETBACK 50'	MAXIMUM BUILDING HEIGHT 35'
MINIMUM BUILDING SIDE AND REAR SETBACKS			
When abutting all Districts except "O", "B" or "I" Districts MINIMUM SIDE SETBACK = 30' MINIMUM REAR SETBACK = 70'		When abutting any "O", "B" or "I" Districts MINIMUM SIDE SETBACK = 5' MINIMUM REAR SETBACK = 20'	

SECTION H (continued)

BUSINESS DISTRICTS B-1, B-2, B-3, & B-4

REFERENCES TO FOOTNOTES (Restrictions) *[Right Hand Column on Table]*

1. All Principal, Conditioned, and Conditionally Permitted Uses shall have a minimum frontage and lot size (area) as noted below: [eff: 4-4-96]

<u>UTILITIES SERVING PROPERTY</u>	<u>FRONTAGE</u>	<u>LOT SIZE</u>
No public sewer or water -	150'	1 acre
Public water only -	125'	$\frac{3}{4}$ acre
Public sewer only -	100'	$\frac{1}{2}$ acre

2. In every case where a lot is not served with and is not proposed to be served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have written approval from the Clark County Health Department or from the Ohio E.P.A., as applicable, **PRIOR TO ISSUING A ZONING CERTIFICATE.** [eff: 4-4-96]
3. All areas not containing a building or which are not paved shall be landscaped. [eff: 11-6-08]
4. Cross access for vehicular traffic shall be provided to existing or proposed adjacent commercial uses [eff: 11-6-08]
5. All commercial areas shall provide screening of shrubbery or artificial fencing so as to hide trash collection areas and service and storage areas from view. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner.
6. All uses, activities, and transactions (with the exception of off-street parking, loading/ unloading, and outdoor seating areas associated with restaurants) shall be conducted entirely within an enclosed building.
7. Subject to requirements for *Funeral Homes and Mortuaries* specified in Chapter 7, Section 116.
8. Subject to requirements for *Day-Care Centers* specified in Chapter 7, Section 112.
9. Subject to requirements for *Automotive Service Stations* specified in Chapter 7, Section 136.
10. Subject to requirements for *Nursing Homes, Convalescent Homes, Rest Homes* specified in Chapter 7, Section 124.
11. Subject to requirements for *Commercial Recreation Establishments* specified in Chapter 7, Section 110.
12. Subject to requirements for *Animal Hospitals, Veterinary Clinics, and Kennels* specified in Chapter 7, Section 103.
13. Subject to requirements for *Bars and Taverns* specified in Chapter 7, Section 105.
14. Subject to requirements for *Drive-in Restaurants, Fast Food Restaurants, Carry-out Restaurants, and/or Drive-through Retail Establishments* specified in Chapter 7, Section 114.
15. Subject to requirements for *Automotive Repair Garages* specified in Chapter 7, Section 104.

**B-1, B-2,
B-3 & B-4**

SECTION H (continued)

16. Subject to requirements for *Car Washes* specified in Chapter 7, Section 107.
17. Subject to requirements for *Building Materials Sales Yards* specified in Chapter 7, Section 106.
18. Subject to requirements for *Drive-In Motion Picture Theaters* specified in Chapter 7, Section 113.
19. Subject to requirements for *Private and Public Outdoor Recreation Areas* specified in Chapter 7, Section 127.
20. Subject to requirements for *Motels and Hotels* specified in Chapter 7, Section 123.
21. Subject to requirements for *Hospitals and Auxiliary Facilities* specified in Chapter 7, Section 119.
22. Subject to requirements for *Automotive Body Shops* specified in Chapter 7, Section 138.
23. All buildings used for such processing and distribution together with loading space shall be at least one hundred (100) feet from any R-District.
24. All uses must comply with the following:
 - (a) When conducted wholly within a completely enclosed building, said building must not be located within one hundred (100) feet of any R-District, PD District, or existing residential structure; or
 - (b) when conducted within an area enclosed on all sides with a solid wall or solid fence not less than six (6) feet high, said use shall not be within two hundred (200) feet of any R-District, PD District, or existing residential structure.
25. Such uses shall not employ power driven tools except if employing such tools within a completely enclosed building and said building must be located at least one hundred (100) feet from any R-District or existing residential structure.
26. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water carried wastes.
27. Outside storage of motor vehicles, boats, and recreational vehicles shall be kept in an organized manner and completely enclosed area with a solid wall or fence not less than eight (8) feet high. This use shall not be considered to include junkyards, or disabled or inoperable vehicle storage as defined in Chapter 10.
28. Subject to requirements for *Adult Entertainment Establishments* specified in Chapter 7, Section 100.
29. Subject to requirements for *Churches and Similar Places of Worship* specified in Chapter 7, Section 109.
[eff: 11-6-08]

**B-1, B-2,
B-3 & B-4**

SECTION I

INDUSTRIAL DISTRICT

I-1 INDUSTRIAL

PRINCIPAL PERMITTED AND CONDITIONED USES:	MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT		FOOTNOTES (Restrictions)
	LOT SIZE (Area)	FRONTAGE	YARD REQUIREMENTS (Feet)				(Feet)	(Stories)	
		WIDTH * (feet)	FRONT (Setback) **	SIDE		REAR (Setback)			
				LEAST WIDTH	SUM of BOTH				
1. Industrial & Manufacturing Establishments	1 Acre	150	50	- -	- -	30	50	3	2, 3, 4, 5
2. Warehouses	1 Acre	150	50	- -	- -	30	50	3	2, 3, 4, 5
3. Wholesale Establishments	20,000 SF	100	50	- -	- -	30	50	3	1, 2, 3, 4, 5
4. Manufacturing Retail Outlets	- -	150	50	- -	- -	30	50	3	1, 2, 3, 4, 5, 6
5. Any use permitted and as regulated as a Principal Permitted or Conditioned Use in the B-4 District	- -	- -	- -	- -	- -	- -	- -	- -	- -

CONDITIONALLY PERMITTED USES (Requires BZA Approval):	MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT		FOOTNOTES (Restrictions)
	LOT SIZE (Area)	FRONTAGE	YARD REQUIREMENTS (Feet)				(Feet)	(Stories)	
		WIDTH * (feet)	FRONT (Setback) **	SIDE		REAR (Setback)			
				LEAST WIDTH	SUM of BOTH				
1. Any use permitted and as regulated as a Conditionally Permitted Use in the B-4 District	- -	- -	- -	- -	- -	- -	- -	- -	- -
2. Junkyards & Automobile Wrecking Yards	5 Acres	- -	- -	- -	- -	- -	- -	- -	3, 7
3. Resource and Mineral Extraction	- -	- -	- -	- -	- -	- -	- -	- -	3, 8
4. Penal & Correctional Facilities	- -	- -	- -	- -	- -	- -	- -	- -	1, 2, 3, 9
5. Sanitary Landfills [eff: 6-7-01]	- -	- -	- -	- -	- -	- -	- -	- -	10

* The frontage is measured at the minimum zoning front setback line. Lots 5 to 10 acres in size shall have a minimum frontage of 250 feet and lots more than 10 acres in size shall have a minimum frontage of 350 feet.

** The front yard setback shall be measured from the right-of-way established on the Official Thoroughfare Plan for Clark County.

NOTE: A. Off-street parking and loading/unloading requirements specified in Chapter 5.
B. Any other use which is of the same general character as the above Principal, Conditioned or Conditionally Permitted Uses as determined by the Zoning Inspector and/or by the Board of Zoning Appeals.
(All lot lines shall be identified on site)

REFERENCES TO FOOTNOTES (Restrictions) - [Right Hand Column on Table Above]

1. All Principal, Conditioned, and Conditionally Permitted Uses shall have a minimum frontage and lot size (area) as noted below:

UTILITIES SERVING PROPERTY	FRONTAGE	LOT SIZE
No Public Sewer or Water -	150'	1 Acre
Public Water Only -	150'	3/4 Acre
Public Sewer Only -	100'	1/2 Acre

2. In every case where a lot is not served with and is not proposed to be served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have written approval from the Clark County Health Department or approval from Ohio E.P.A., as applicable, prior to issuing a zoning certificate.

3. No side yard shall be required, except that a side yard of twenty-five (25) feet shall be required between the principal building within an I-1 District and the lot line of any lot within an A-1 or "R" District; and, if located on a corner lot, the side yard requirement shall be twenty-five (25) feet when such side yard abuts on a public thoroughfare.

4. The rear yard requirement for all Principal Permitted Uses in the I-1 District shall be thirty (30) feet, except when a lot abuts an A-1 or "R" District, in which case the required rear yard shall be forty (40) feet.

5. All commercial areas adjacent to Agricultural or Residential Districts shall provide a screening of shrubbery or artificial fencing so as to hide trash collection areas and service and storage areas from the view of adjacent agricultural or residential areas. All such shrubbery shall be properly maintained in a neat and tidy manner.

6. Manufacturing retail outlets must be clearly an accessory use to the Principal Permitted Industrial or manufacturing use and shall not occupy greater than twenty-five (25) percent of the total floor area of the industrial or manufacturing establishment. Access to a major thoroughfare shall be required.

7. Subject to requirements for Junkyards and Automobile Wrecking Yards specified in Chapter 7, Section 121.

8. Subject to requirements for Resource and Mineral Extraction specified in Chapter 7, Section 129.

9. Subject to requirements for Penal and Correctional Facilities specified in Chapter 7, Section 125.

10. Subject to the requirements for Sanitary Landfills specified in Chapter 7, Section 130. [eff: 6-7-01]

I-1

SECTION J AGRICULTURAL /RESIDENTIAL DISTRICTS [approved 11-27-01; eff: 12-27-01]

ZONING DISTRICT > > >	AR-1	AR-2	AR-5	AR-10	AR-25
MINIMUM LOT SIZE (Area)	1 ac.	2 ac.	5 ac.	10 ac.	25 ac.
MAXIMUM LOT SIZE (Area)	2.5 ac.	4.99 ac.	9.99 ac.	24.99 ac.	39.99 ac.
MINIMUM FRONTAGE (width - feet)*	150	150	250	350	350

PRINCIPAL PERMITTED AND CONDITIONED USES: (See minimum & maximum lot size [area] and minimum frontage above)	ZONING DISTRICTS					MINIMUM LOT REQUIREMENTS				MAXIMUM HEIGHT		FOOTNOTES (Restrictions)
						YARD REQUIREMENTS (Feet)				(Feet)	(Stories)	
						FRONT	SIDE		REAR			
	AR-1	AR-2	AR-5	AR-10	AR-25	(Setback **)	LEAST WIDTH	SUM of BOTH	(Setback)			
1. Agriculture, Farm Markets, & related buildings & structures	Y	Y	Y	Y	Y	- -	- -	- -	- -	- -	- -	1, 2, 3, 4, 5
2. Single-Family Residences	Y	Y	Y	Y	Y	40	25	60	60	35	2	2, 4, 5, 6
3. Day-Care Homes	Y	Y	Y	Y	Y	- -	- -	- -	- -	- -	- -	7
4. Bed and Breakfast	Y	Y	Y	Y	Y	- -	- -	- -	- -	- -	- -	8
	Y = Yes (Permitted) N = No (Not permitted)											

CONDITIONALLY PERMITTED USES (Requires BZA Approval): (See minimum & maximum lot size [area] and minimum frontage above)	ZONING DISTRICTS					MINIMUM LOT REQUIREMENTS				MAXIMUM HEIGHT		FOOTNOTES (Restrictions)
						YARD REQUIREMENTS (Feet)						
						FRONT	SIDE		REAR			
	AR-1	AR-2	AR-5	AR-10	AR-25	(Setback **)	LEAST WIDTH	SUM of BOTH	(Setback)			
1. Home Occupations	Y	Y	Y	Y	Y	- -	- -	- -	- -	- -	- -	9
2. Churches and Similar Places of Worship	Y	Y	Y	Y	Y	50	30	60	50	45	2	4, 10
3. Primary and Secondary Schools	N	Y	Y	Y	Y	100	100	200	100	35	2	4, 11
4. Institutions of Higher Learning	N	N	Y	Y	Y	100	100	200	100	35	2	4, 12
	Y = Yes (Permitted) N = No (Not permitted)											

* The frontage is measured at the minimum zoning front setback line. Lots 5 to 10 acres in size shall have a minimum frontage of 250 feet and lots more than 10 acres in size shall have a minimum frontage of 350 feet.

** The front yard setback shall be measured from the right-of-way established on the Official Thoroughfare Plan for Clark County.

NOTE: A. Off-street parking and loading/unloading requirements specified in Chapter 5.
B. Any other use which is of the same general character as the above Principal, Conditioned or Conditionally Permitted Uses as determined by the Zoning Inspector and/or by the Board of Zoning Appeals.

(All lot lines shall be identified on site)

**AR-1, AR-2, AR-5,
AR-10, & AR-25**

SECTION J [approved 12-13-00; eff: 1-13-01]

AGRICULTURAL/RESIDENTIAL DISTRICT AR-1, AR-2, AR-5, AR-10, AR-25

REFERENCES TO FOOTNOTES (Restrictions) [Right Hand Column on Table]

1. Related buildings and structures may include private garages, and manufactured farm homes for help employed on the premises as full-time farm labor. The minimum yard and height requirements for single-family residence shall apply to such related buildings and structures.
2. On no lot or parcel in the AR Districts shall buildings be constructed which cover more than twenty-five (25) percent of the lot or parcel area.
3. Roadside sales of agricultural products at farm markets shall be permitted, provided that fifty (50) percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the farm market operator in a normal crop year. The size of structure shall not exceed one-hundred (100) square feet in area or ten (10) feet in height. There shall be no minimum lot size required for farm markets, however, a setback of twenty (20) feet from the adjacent existing or proposed public right-of-way shall be required. No curb cuts along a public road shall be established, and, adequate area for parking shall exist adjacent to the market so as not to interfere with vehicular traffic on adjacent thoroughfares.
4. In every case where a lot is not served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have written approval from the Clark County Health Department or from the Ohio EPA., as applicable, prior to issuing a zoning certificate.
5. Factory-built housing subject to requirements for Factory-Built Housing specified in Chapter 7, Section 135.
6. No parcel of land in this district shall be used for residential purposes which has an area of less than one (1) acre. All lots or parcels within the AR-1 and AR-2 districts shall have a minimum lot frontage on a public road of one hundred fifty (150) feet. For lots or parcels under five (5) acres, the depth of such lot or parcel shall not exceed an amount equal to four (4) times its width.
7. Subject to requirements for Day-Care Homes specified in Chapter 7, Section 133.
8. Subject to requirements for Bed and Breakfast specified in Chapter 7, Section 137.
9. Subject to requirements for Home Occupations specified in Chapter 7, Section 118.
10. Subject to requirements for Churches and Similar Places of Worship specified in Chapter 7, Section 109.
11. Subject to requirements for Primary and Secondary Schools specified in Chapter 7, Section 126.
12. Subject to requirements for Institutions of Higher Learning specified in Chapter 7, Section 120.

**AR-1, AR-2, AR-5,
AR-10, & AR-25**

SECTION K [eff: 2-14-85]

"S" - Specific Use Control

There are certain limited circumstances under which the specific use control (S-District) may be allowed. The intent is to allow property which is being rezoned to be restricted to one or more uses of a particular zoning district where better control of its use is needed to ensure the health, morals, safety, prosperity, and general welfare of the community. Specific Use control classifies or reclassifies an area in a manner which can not be controlled as similarly situated land. All requirements of the identified district and all other general requirements shall apply to the specified use or uses. [eff: 4-4-96]

Procedure

A. The Specific Use Control may be implemented in the following manner:

1. The property owner or lessee (or authorized agent) may state in the application for rezoning that the property shall be used for one or more specific uses and those uses only.
2. The County Planning Commission may state that the property shall be used for one or more specific uses in its recommendation to the Rural Zoning Commission.
3. The Rural Zoning Commission may state that the property shall be used for one more specific uses in its motion which is forwarded to the County Commission.
4. The Board of County Commissioners may state that the property shall be used for one or more specific uses in its motion to rezone said property. If the Board of County Commissioners denies or modifies the recommendation of the Rural Zoning Commission, a unanimous vote of the Board shall be required.

B. The Specific Use Control is subject to the following:20

1. If the specific use (or uses) is a Principal Permitted Use of a particular zoning district, the rezoning to that specific use (or uses) becomes effective thirty (30) days after the date of adoption by the Board of County Commissioners.
2. If the specific use (or uses) is a Conditionally Permitted Use of a particular zoning district, the Board of Zoning Appeals must also approve said use (or uses) as outlined in Chapter 7 of these regulations. The property owner or lessee (or authorized agent) may apply to the Board of Zoning Appeals for approval of the Conditionally Permitted use (or uses) only after the Board of County Commissioners has acted upon and approved said request.

C. The Specific Use Control shall be noted on the official zoning maps by the designation of an "S" immediately following the particular zoning district. (Sample - B-1S, B-3S, I-1S, etc.)

D. Any S-District designated B-1AS, B-2AS, M-1S, or M-2S are specific uses granted under the previous zoning regulations and therefore any change in use in these districts may be granted only if an appropriate district under these regulations is requested. No change in use of an S-District as regulated under the previous zoning will be permitted.

5. All requirements of the identified District (i.e. frontage, setbacks, etc.) and all other general requirements (i.e. parking, signs, etc.) shall apply to the specified use or uses.

Change of Use or Uses

If a property owner wishes to change the use or uses on a tract which is designated as S (Specific Use), an application for rezoning must be completed and filed which indicates either rezoning for another specific use or uses or rezoning to another zoning district without the S Specific Use Control. If the request is to change from one specific use to another specific use, the appropriate zoning district must be requested. All such requests will be processed in accordance with Chapter 9, Section G 2, of these regulations.

"S"

CHAPTER 3

OVERLAY ZONING DISTRICT REGULATIONS

CHAPTER 3

OVERLAY ZONING DISTRICT REGULATIONS

Section A - FP Flood Plain Overlay District

1. Applicability. Certain unincorporated areas of Clark County have been determined to be subject to flooding and as such have been designated as flood hazard areas. These flood hazard areas shall be delineated on the Official Zoning District Map(s) based upon the following sources of information:
 - (a) Flood Insurance Administration Flood Hazard Boundary Maps (July 1987, as amended); [eff: 4-4-96]
 - (b) Flood Plain Management Study, Selected Streams in Clark County, Ohio (April 1993, as amended); [eff: 4-4-96]
 - (c) Any other relevant document or map based on sound engineering principles and accepted by the Flood Plain Administrator. [eff: 4-4-96]

These flood hazard areas shall be designated on the Official Zoning District Map(s) as Flood Plain Overlay District(s). The provision of the underlying base District(s) shall apply in full except that the provisions of this Overlay District shall supersede conflicting provisions of the base District(s). Nothing in this Section shall be less restrictive than the provisions of the Clark County Subdivision Regulations as said Regulations apply to the subdivision of lands within this Overlay District. [eff: 3-29-90]

2. The official flood hazard map shall be the current "Flood Insurance Rate Map" (FIRM). [eff: 3-29-90]
3. Principal Permitted Uses. The following open space uses shall be permitted within a Flood Plain Overlay District to the extent that they are not prohibited by any other code or ordinance and provided that they do not require structures, fill, or storage of materials or equipment.
 - (a) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, forestry, and truck gardening.
 - (b) Industrial or commercial accessory uses such as loading areas, parking areas, rail sidings, and airport landing strips, if located within an underlying Zoning District in which the use is permitted.
 - (c) Residential accessory uses such as lawns, gardens, parking areas, and play areas, if located within an underlying Zoning District in which the residential use is permitted.
4. Conditionally Permitted Uses. Any uses listed as Principal Permitted Uses or Conditionally Permitted Uses in the underlying Zoning District shall be permitted within the flood fringe area only. No other uses are permitted within the boundaries of the "Floodway". [eff: 3-29-90]
5. Nothing in this Section shall be less restrictive than the provisions of the Clark County Subdivision Regulations, as said regulations apply to the subdivision of lands within this Overlay District. [eff: 3-29-90]

Section A (continued)

6. The storage or processing of materials in time of flooding which are buoyant, flammable, poisonous, explosive, or could be injurious to human, animal, or plant life shall be prohibited. [eff: 3-29-90]
7. A development permit shall be obtained prior to applying for a Zoning Certificate. [eff: 3-29-90]
8. Definitions: [eff: 3-29-90]
 - (a) "Development" means any man-made change to improve or unimprove real estate
 - (b) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
 - (c) "Flood Fringe" area is the areas outside the floodway but within the general flood prone areas as noted on the official Flood Hazard Map.

Section B - OS Open Space Overlay District

1. Applicability. Within the unincorporated area of Clark County there are certain waterbodies and other natural and/or culturally significant features that are worthy of preservation because of their contribution to the public welfare. Such features include the Little Miami River Scenic Corridor, Clarence J. Brown Reservoir, Clark Lake, and their associated wetland areas. In order to protect and preserve these features, additional requirements shall be imposed on new construction activity within these areas. These areas shall be designated on the Official Zoning District Map(s) as Open Space Overlay District(s). The provisions of the underlying base District(s) shall apply in full except that the provisions of this Overlay District shall supersede conflicting provisions of the base District(s). Where an applicant for a proposed use demonstrates to the satisfaction of the Board of Zoning Appeals that the location for such proposed use would not change the character of the land to the detriment of the public welfare, and should not therefore be included in the definition of the Open Space Overlay District, the applicant shall be exempt from the provisions of this Section. The applicant shall provide sufficient evidence for the Board of Zoning Appeals to clearly determine that the land in question should not be subject to the provisions of this Section.
2. Principal Permitted Uses. The following open space uses shall be permitted within an Open Space Overlay District to the extent that they are not prohibited by any other statute or ordinance of other governmental bodies, and provided that they do not require significant alteration of the area's hydrological and geological conditions or cause permanent preemption of land through paving or construction of buildings.
 - (a) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, forestry, and truck gardening.
 - (b) Public utility uses such as waterworks, pumping stations, impoundment basins, and essential services.
 - (c) Residential accessory uses such as lawns, gardens, parking areas, and play areas, if located within an underlying Zoning District in which the residential use is permitted.

Section B (continued)

3. Conditionally Permitted Uses. Any other uses listed as Principal Permitted Uses or Conditionally Permitted Uses in the underlying Zoning District shall be Conditionally Permitted Uses in an Open Space Overlay District, and therefore shall be subject to approval by the Board of Zoning Appeals.
4. Performance Standards. The following performance standards shall apply to all applicable uses in an Open Space Overlay District:
 - (a) All permitted buildings and structures shall be designed so as to adequately protect the water, shoreline aesthetic characteristics, and vistas, where applicable.
 - (b) No use shall be permitted which is likely to cause pollution of surface or subsurface waters unless adequate safeguards approved by the Ohio Environmental Protection Agency are provided.
 - (c) Sewage disposal facilities and water supply facilities shall be provided in accordance with state and local health regulations. Storm drainage facilities shall be separate, not combined with sewage disposal systems.
 - (d) Adequate water supply shall be available so that the groundwater quality and quantity will not be endangered by over pumping.
 - (e) It shall be unlawful for any person, firm, or corporation to remove, fill, or use for fill, dredge, store, or excavate rock, sand, gravel, dirt, or similar material within the boundaries of the Open Space Overlay District; to fill or reclaim any land by depositing such material or by grading of existing land so as to elevate or alter the existing natural grade; or to build, alter, or repair any bulkhead or retaining wall, or to rip-rap or otherwise change the grade or shore of waterfront property without a Conditional Use granted by the Board of Zoning Appeals. Granting of such a Conditional Use is subject to other requirements and prohibitions of these Regulations and other applicable statutes or ordinances of other governmental bodies.
 - (f) Any agricultural use, as defined in these Regulations, shall be permitted when no roads or drainage canals or ditches are constructed which would have the effect of permanently impounding, obstructing, or diverting surface or subsurface waters. Nothing in this Section shall be construed as prohibiting the construction of irrigation ditches, temporary canals, plowing of land, and similar uses which are ordinarily a normal part of agricultural operations unless undertaken for the sole or predominant purpose of impounding or obstructing surface waters; nor shall this Section be construed as prohibiting the construction of temporary roads and drainage canals incidental thereto, which roads are constructed solely for inspecting, harvesting, or planting forestry or agricultural crops, when such roads are ordinary and incidental to a forestry or agricultural operation.
 - (g) No part of this Section shall be construed to prevent the doing of any act necessary to prevent the harm to or destruction of real or personal property as a result of a present emergency such as fire, infestation by insects or other pests, or flood hazards resulting from heavy rains or winds, when the property is in imminent peril and the necessity of obtaining an appeal, Variance, or Conditional Use is impractical and would cause undue hardship in the protection of the property.

Section B (continued)

- (h) The requirements of this Section shall not be construed to govern to normal and customary grading in the area of an existing or newly constructed building or structure, or the grading of a driveway serving such building or structure. Such grading and earth moving shall be approved by the Building Inspector at the time of issuance of the Building Permit, providing that a plan showing proper drainage and protection of adjoining property has been submitted.
- (i) Nothing in this Section shall be construed as prohibiting ordinary gardening activities in lawn or garden areas.
- (j) Non-conformities may be continued; any addition or modification, however, to an existing and legal Non-conforming Use shall be in conformance with the requirements of this Overlay District.

Section C - EEOD Eastern Edge Overlay District [eff: 9-4-08]

Commentary: *This Section based on the principles in the "Eastern Edge Corridor Plan".*

1. PURPOSE.

- (a) The Eastern Edge Overlay District creates a cohesive and interjurisdictional comprehensive land use plan for the East National Road Corridor that aims to grow contextually and geographically advantageous development, respect the history and character of the area, provide best management for transportation safety and demand by maintaining independent, through interlocking development segments from the corridor's urban core to the rural edge. The Eastern Edge Overlay District recommends a uniform development standard approach to land use and zoning regulation. Land uses are guided by a future land use map and physical site and building layout is determined by transect-based zoning standards. The Plan requires that all new large-scale development along the Eastern Edge Corridor be zoned and planned as a Planned Development. Small-scale developments in the Corridor area may be developed according to the standardized zoning.
- (b) This chapter includes both required and recommended development standards. All required zoning regulations must be complied with. Landowners are specifically encouraged to comply with recommended district uses, design standards, and economic development objectives.
- (c) The policy objectives intended to be achieved by the imposition of the Eastern Edge Overlay District are to:
 - (1) Provide a tool to encourage and restrict development in a manner that is consistent with Future Land Use, Corridor Plan Goals, and infrastructure capacity
 - (2) Be general enough to allow some flexibility, but strong enough to influence development patterns
 - (3) Maintain independent, interdependent, interlocking development segments from the corridor's urban core to the rural edge
 - (4) Consider all affected jurisdictions' needs and visions
 - (5) Guide and encourage contextually and geographically advantageous new development by creating intended growth sectors and providing guidance for development in each sector
 - (6) Encourage and support successful development types in districts with business expansion and retention

Section C (continued)

- (7) Respect the areas historic and natural character
 - (8) Provide best management for transportation safety and demand
 - (9) Develop incentives for the reuse or redevelopment of properties
 - (10) Conform physical design proposals to community goals and social and economic policies
2. GEOGRAPHIC SCOPE. The Geographic Scope of this Plan is the East National Road Corridor from Spring Street in Springfield to New Love Road in Harmony Township. This Plan divides the East National Road Corridor into six unique transect zones as follows:
- (a) This chapter is intended to further and protect the public health, safety, convenience, comfort, prosperity, and general welfare of the Clark County community. This chapter is further intended to enhance and protect property values in downtown Springfield and prevent impairment and destruction of property values.
3. GENERAL REQUIREMENTS.
- (a) Overall Corridor
 - (1) Land Use Regulations
 - a) Large-scale development Planned Developments should conform to the properties designated future land use as set forth in this Chapter and the Eastern Edge Corridor Plan.
 - b) Small-scale developments should conform to the properties designated future land use as set forth in this Chapter and the Eastern Edge Corridor Plan.
 - (2) Land Use Districts
 - a) (AOS) Agriculture and Open Space
 - i) The Agriculture and Open Space District shall consist of Open Space that should be, but is not yet, protected from development.
 - ii) The Agriculture and Open Space District shall consist of the aggregate of the following categories:
 - a. Flood plain, including Special Flood Hazard Areas
 - b. Steep slopes
 - c. Open Space to be acquired
 - d. Corridors to be acquired
 - e. Buffers to be acquired
 - b) (HRRC) Highway Rural Retail Conservation Edge
 - i) Highway Rural Retail Edge: This district provides for a mix of highway oriented commercial, general retail, and open space. Contiguous open space must front US-40. The mix of uses should include 30% contiguous open space and 70% highway oriented commercial and general retail. New development must provide a buffer from adjoining residential and agricultural development.

- ii) The Mixed Use Research and Development District shall be assigned to those locations that can support Mixed Use by virtue of proximity to an existing or planned Thoroughfare.
 - iii) Within the Mixed Use Research and Development District, Clustered Land Development (CLD) and Traditional Neighborhood Developments (TND) shall be permitted.
 - c) (MSMC) Main Street Mixed Core District
 - i) Uses consist of a mix small and medium-scale commercial, recreational/entertainment, office, and residential uses. Primarily, development should be the same or similar to original use and building type, exterior should be the same or similar to original traditional exterior. Secondly, if the proposed development is not original in type or design, the new development must be consistent with traditional architecture, character, and cultural heritage of the district. High-density infill development is preferred in this district, limited parking to be located in the rear and accessed from rear yard. Pedestrian-oriented access is preferred and shared parking is required where possible.
 - ii) The Main Street Mixed Core District designation shall be assigned to areas that, by their intrinsic size, Function, or Configuration, cannot conform to the requirements of a CLD, a TND, or an RCD as set forth in the Eastern Edge Overlay Land Development Regulations.
 - d) Residential Low Density
 - i) The purpose of this district is to provide for single-family residential development consistent with the single-family residential character of lowest density residential development in the county and township rural areas. The recommend density is 1- 0.2 units to the acre.
- (3) Planned Development Standards
- a) Development Planning Process
 - i) All new large-scale developments along the Eastern Edge Corridor must zoned and planned as a Planned Development.
 - ii) Small-scale developments in the Corridor Plan area may be developed according the standardized zoning as set forth in this Chapter.
 - iii) All large-scale Planned Developments shall comply with Table 2: Land Use Planned Development Land Density and Composition Standards, Planned Development Requirements set forth in each Transect. These standards provide specific land-use based project composition ratio requirements for the preparation of Planned Development zoning districts. Individual lots in such developments shall comply with all relevant requirements set forth in the Overall Corridor On-Site Improvements: Single lot, Site, and Building Plan Review, and the Transect specific On-Site Improvements: Single lot, Site, and Building Plan Review.

Section C (continued)

- iv) Small developments in the Corridor Plan area shall comply with all relevant requirements set forth in the Overall Corridor On-Site Improvements: Single lot, Site, and Building Plan Review, and the Transect specific On-Site Improvements: Single lot, Site, and Building Plan Review.
 - v) Planned Developments shall be prepared according to Development Type Standards outlined below in Table 2. Planned Development may contain more than one development type.
 - vi) Once the Planning Commission approves a Plan, the parcel shall become a Planning Area and shall be marked as such on the Zoning Map. Within the Area, this Code shall be the exclusive and mandatory zoning regulation, and its provisions shall be applied in their entirety.
 - vii) Planned Developments shall include a Development Plan that demonstrates compliance with Tables 1-11. The Development Plan shall consist of one or more maps and regulating documents showing the following for each in the plan area, in compliance with the standards described in this Code:
 - a. Use Zones
 - b. Civic Zones
 - c. Thoroughfare network
 - d. Site Plan to include:
 - i. building disposition
 - ii. building configuration
 - iii. building function
 - iv. parking location standards
 - v. landscape standards
 - vi. signage standards
 - vii. drainage standards
 - viii. architectural standards
 - ix. lighting standards
 - x. sound standards
- b) Development Types
- i) Clustered Land Development (CLD)
 - a. Clustered Land Development (CLD) should be permitted within the MUCE and CTC Land Use District and the MURD and HRRC Land Use District.
 - b. CLD should be structured by one standard pedestrian walkway and should consist of no fewer than 10 acres and no more than 120 acres.
 - c. CLD should include 30% - 40% Green Space.
 - ii) Traditional Neighborhood Development (TND)
 - a. A Traditional Neighborhood Development (TND) should be permitted within the MSMC, MUCE and the MUCD Land Use District.

- iii) Regional Center Development (RCD)
 - a. A Regional Center Development (RCD) should be permitted within the CTC Land Use District and the MURD and UCC Land Use District.
 - b. A RCD within the CTC Land Use District should be structured by one long pedestrian walkway or linear pedestrian walkway and should consist of no fewer than 30 acres and no more than 120 acres.
 - c. For larger sites, a RCD may be adjoined without buffer by one or more TNDs. The simultaneous planning of adjacent parcels is encouraged. Any TND or RCD on an existing or projected rail or Bus Rapid Transit (BRT) network may be redesignated in whole or in part as Transit-Oriented Development (TOD) and permitted the higher Density.
- iv) Transit-Oriented Development (TOD)
 - a. Any TND or RCD on an existing or projected rail or Bus Rapid Transit (BRT) network may be redesignated in whole or in part as TOD and permitted the higher density.
- v.) Infill TND (Traditional Neighborhood Development)
 - a. Infill TND should be assigned to neighborhood areas that are predominantly residential with one or more Mixed use corridors or centers.
 - b. The edges of an infill TND should blend into adjacent neighborhoods and/or a downtown without buffers.
- vi) Infill RCD (Regional Center Development)
 - a. Infill RCD should be assigned to urban areas that include significant office and retail uses as well as government and other civic institutions of regional importance.
 - b. The edges of an infill RCD should blend into adjacent neighborhoods with buffers.
- vii) Infill TOD (Transit-Oriented Development)
 - a. Any infill TND or infill RCD on an existing or projected rail or BRT network may be redesignated in whole or in part as TOD and permitted the higher density.
- c) Civic Zones
 - i) Civic zones shall comply with Tables 5 and 9.
 - ii) Civic Zones dedicated for public use shall be required for each planned development and designated on the Planned Development as civic space (CS) and civic building (CB).
 - iii) Civic Zones dedicated for public use shall be required for each single lot development. Such civic zones shall include and comply with pedestrian-oriented space and feature requirements.
 - iv) Civic Building Zones may be sites dedicated for buildings generally operated by not-for-profit organizations dedicated to culture, education, religion, government, transit and municipal parking.

(4) On-Site Improvements: Single lot, Site, and Building Plan Review

a) Lot Configuration:

- i) The purpose and intent of the Lot Configuration regulations is to create a lot dimension that fulfills the goals of a transect-based land use system and limited access roadway system. Lot and streets should effectively use land, protect land value, protect natural features, and safely organize traffic. Lots and streets in each district should be compatible and should have transitioning features from the urban areas to rural areas to retain natural infrastructure and visual character.
- ii) Lots shall conform to Tables 5 and 10.
- iii) Parcels shall be required to connect to adjoining properties to provide cross access for parking, drive, and pedestrian walkways. This may require commitment of easement on subdivision plats, and or building site plans. Staff reserves the right to enforce through zoning and subdivision review.

b) Building Configuration:

- i) The purpose of Building configuration standards is to enforce the physical and visual connection between businesses, streets, residents, and open spaces in order to create a vibrant and attractive business and streetscape environment in urban areas, and retain natural infrastructure and visual character in rural areas.
- ii) Building and site plans submitted under this code shall show the following, in compliance with the standards described in this code:
 - a.. building disposition
 - b. building configuration
 - c. building function
 - d. parking location standards/pedestrian walkways
 - e. landscape and green space standards
 - f. signage standards
 - g. drainage standards
 - h. architectural standards
 - i. lighting standards
 - j. sound standards
 - k. civic zones/ pedestrian-oriented features
- iii) Building site plan shall comply with tables 3-10.
- iv) Single lots and buildings located within a Planned Development or infill shall be subject to the requirements of this table 3. Lots contained in existing Planned Developments approved prior to the adoption of this code shall be exempt.
- v) Landscaping, building height, building location and orientation, massing, and architectural style should reflect local characteristics. They should be consistent with the positive attributes of the adjacent businesses and neighborhoods. Corridor specific design standards can be used to establish the positive attributes of an area.

Section C (continued)

- vi) Physical and visual connection between businesses should be considered during the design phase.
- c) Architectural:
 - i) The purpose of architectural standards is to preserve, promote and enhance the historic, archeological, cultural, scenic, natural and recreational characteristics that are the intrinsic qualities of the East National Road Corridor by supporting the Goals of the East National Road Corridor Plan and the Ohio Historic National Road Corridor Management Plan.
- d) Screening
 - i) The purpose of the screening standards is to provide compatible screening of parking from streets, and transition between residential neighborhoods and businesses.
 - ii) See transect specific code to follow, and all applicable related codes.
- e) Landscaping
 - i) The purpose of the landscape standards is to provide uniform standards for the development and maintenance of the landscaping of private property and public rights-of-way. The purpose of landscaping is to increase the compatibility between different intensities of land uses by providing visual barriers that minimize the impacts of noise, light and glare, interrupt the barren expanse of paved parking lots, contribute to the image and appeal of the community, and enhance property values.
 - ii) Landscaping, green space, and impervious surface coverage shall conform to tables 3,5, and 9.
 - iii) See transect specific code to follow, and all applicable related codes.
- f) Lighting
 - i) The purpose of the lighting standards is to establish lighting compatible with the development as well as the surrounding area and streetscape, and to promote pedestrian and vehicular safety, and to improve the aesthetic appearance of public and private streetlights.
 - ii) Lighting intensity shall conform to table 12
 - iii) Lighting type shall conform to graphic 1
- g) Sound
 - i) The purpose of the sound standards is to establish sound levels compatible with the development as well as the surrounding area.
 - ii) Sound intensity shall conform to table 13

Section C (continued)

h) Signage

- i) See transect specific code to follow, and all applicable related codes.

i) Parking Location and Drive

- i) The purpose of Parking and Drive standards is to minimize the impact of parking and drive facilities by treating them in a manner that does not dominate the main structures or pedestrian realm, maintains the safety and viability of the businesses, and maximizes lot connectivity within a limited access roadway system.
- ii) Parcels shall be required to connect to adjoining properties to provide cross access for parking, drive, and pedestrian walkways. This may require commitment of easement on subdivision plats, and or building site plans. Staff reserves the right to enforce through zoning and subdivision review.
- iii) Parking shall comply with table 4.
- iv) Private and public drives shall comply with tables 5-8.
- v) Parking should be accessed by Rear drives, alleys or streets.
- vi) Shared parking shall be used wherever possible.
- vii) Transit should be utilized where possible.
- viii) Structured parking shall be located at approved locations and conform to development standards.

j) Natural Drainage

- i) Trees should be planted below the grade of the sidewalk and the street in structural cells with sufficient root space.
- ii) Green walls, if provided, shall be restricted to non-invasive species.
- iii) Native plant perennial landscapes shall replace turf grass wherever possible and be highly diverse. These should be placed lower than walkways, not mounded up.
- iv) The landscape installed shall consist primarily of durable species tolerant of soil compaction.
- v) Planter boxes should be bottomless, flow-through boxes with native plants, placed next to buildings and designed to capture building runoff. They may be placed in courtyards or adjacent sidewalks with runoff sent to them via French drains or hidden pipes.

- k) Pre-Existing Conditions
 - i) Existing buildings and appurtenances that do not conform to the provisions of this code may continue in use as they are until a substantial Modification is requested.
 - ii) The modification of existing buildings is permitted if such changes result in greater conformance with the specifications of this code. Except as otherwise provided, a nonconforming structure may be structurally enlarged, provided it is structurally enlarged in a way that does not increase or extend the manner in which the structure is nonconforming.
- (5) Off Site Improvements
 - a) ROW Improvements: Public Frontages
 - i) Public frontages should conform to Tables 4, 7, 9, and 10.
 - ii) The Frontage contributes to the character of the Transect Zone, and includes the types of Sidewalk, Curb, Planter, Bike Lanes and Street trees.
 - iii) Within the Public Frontages, the prescribed types of Planting and Lighting should comply with the approved tree list and Tables 5, 8, 10, and 11. The spacing may be adjusted to accommodate specific site conditions.
 - iv) Right-of-Way width of 40 feet or less shall be exempt from the tree requirement.
 - b) Thoroughfare Standards
 - i) Roadway Standards should comply with Tables 5 and 6
 - ii) Thoroughfares are intended for use by vehicular and pedestrian traffic and to provide access between lots.
 - iii) Thoroughfares shall be designed in context with the urban form and the Transect Zones through which they pass.
 - iv) All Thoroughfares should terminate at other Thoroughfares, forming a network. Internal drives shall connect to those on adjacent sites in all cases in which it is possible or necessary for traffic and access management.

(b) Rural Vista: Transect 1

(1) On-Site Improvements: Single lot, Site, and Building Plan Review

- a) Building Configuration
 - i) In rural/scenic locations the placement of new buildings should be based on minimizing the impact on natural features and the views from the road. Generous building setbacks will help preserve the rural character of these segments of the roadway corridor.

Section C (continued)

- ii) If visible from the road, place buildings toward the rear of the property.
- iii) If visible from the road, orient new structures so that the front door or perceived front of the structure faces the road.
- b) Architectural
 - i) New architecture in rural and scenic locations should seek to compliment the historic qualities of the road through its character and style as well as its material and colors.
 - ii) Use of natural materials such as brick, stone, and wood are encouraged on all buildings that are visible from the road.
 - iii) Use of imitation finish materials, such as vinyl siding and cultured stone, should be properly detailed in terms of width, profile, grain, and jointing. Predominant building colors should be limited to muted earth tones to blend with the surrounding landscape.
 - iv) Lighter colors, including white, are appropriate on smaller building types, but should not be used on larger building types such as industrial or warehouse structures.
 - v) In rural/scenic areas, new architecture should seek to incorporate traditional forms and details. When possible, preserve and integrate existing structures (e.g. barns; silos, outbuildings) into new architectural compositions. Integrate traditional elements such as gables and roof dormers into new structures.
- c) Screening
 - i) In rural/scenic areas, solutions for screening should be subtle and appear natural.
 - ii) Screening should include a split rail fence or a wood post and wire fence, as well as native shrub species and native tree species commonly found in rural hedgerows. The composition of the hedgerow and the level of opacity may vary based on the desired level of screening.
 - iii) Parking areas should be screened with a continuous 3' to 4' high screen to shield headlights.
- d) Landscaping
 - i) In rural and scenic settings, plant materials should complement architecture, frame or screen views, and blend with the rural and scenic setting.
 - ii) Use native Ohio tree and shrub species. Native plants blend new development into the existing environment, require minimal maintenance, and provide appropriate habitat for local wildlife.

Section C (continued)

- iii) Choose foundation plantings carefully to avoid obscuring historic buildings or special architectural features. In some cases, natural stone foundations are important architectural details that should not be screened entirely.
- e) Lighting
 - i) Use roadway lighting only to enhance safety where dangerous conditions exist. Lighting shall be directed or shielded to avoid light spillage to adjacent properties.
 - ii) No lighting level measured at the building Frontage Line shall exceed 0.5 fc.
- f) Sound
 - i) Sound levels measured at the building Frontage Line shall not exceed 65 decibels from sunrise to midnight and 55 decibels from midnight to sunrise.
- g) Signage
 - i) The number of signs, the size of signs, and the amount of information placed on a sign can all distract a motorist and create visual clutter along this scenic byway. The number of signs should be limited to one building-mounted wall sign along with one ground-mounted sign.
 - ii) In the rural/scenic, allow for one building-mounted wall sign per business. The maximum allowable size should not exceed one square foot of sign face for every lineal foot of width of building face to which the sign is attached. Painted barn signs may exceed this requirement.
 - iii) Prohibited signs in rural/scenic areas of the corridor should include: off-premise signs, billboard signs, signs with flashing lights, roof signs, rotating or animated signs, and changeable copy signs. Special exceptions should be made to preserve Route 40 era diner and motel signs.
 - iv) Wall signs should be lit by inconspicuous building-mounted fixtures with a concealed light source.
 - v) Monument signs should be up-lit from a ground-mounted fixture with a concealed light source.
 - vi) New internally illuminated sign cabinets should be prohibited in rural/scenic areas.
- h) Parking Location and Drive
 - i) In rural/scenic locations, the design and placement of parking areas should be based on minimizing the impact on natural features and the views from the road.

Section C (continued)

- ii) On larger parcels, place all parking areas no closer than 100 feet from the road right-of-way. If possible, locate new parking areas behind existing vegetation or existing landform to visually screen the parking lot from the road.
- iii) Access points (or driveways) along the road, while necessary, shall be carefully considered in order to maximize safety. Multiple site entrances and exits create traffic conflicts and visual clutter.
- iv) One identifiable point of access (driveway) should be provided to all properties along the road. Multiple access points may be provided based on parcel size and use but shall be approved by the Ohio Department of Transportation (ODOT).

(c) Historic Rural Pike Town: Transect 2

(1) On-Site Improvements: Single lot, Site, and Building Plan Review

a) Building Configuration

- i) The placement of new buildings in Pike Town settings should be consistent with existing structures in order to maintain the "building wall" that defines the road in these historic settings.
- ii) Orient all new primary structures, building additions, and accessory buildings so that they are consistent (parallel and perpendicular) with primary structures on adjacent properties.
- iii) Set back new structures from the road so that they are consistent with buildings on adjacent properties. If adjacent property setbacks are inconsistent, use a front setback line that is consistent with the majority of primary structures within the town. In Pike Towns, reinforce the major intersection with appropriate placement of new structures at the corners.

b) Architectural

- i) Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial Function, which shall be a minimum of 11 feet and may be a maximum of 25 feet. A single floor level exceeding 14 feet, or 25 feet at ground level, shall be counted as two (2) stories.
- ii) New buildings should be carefully designed to blend with the existing Pike Town character. Designing a new building to "look old" is difficult and should be discouraged. However, creative and contemporary design solutions can be achieved while being sensitive to the existing context through the use of the appropriate building form, mass, materials, and placement.
- iii) Traditional building materials are encouraged for new construction including wood, brick, and stone. Look for historic precedent in existing structures including foundation materials, facade materials, and roof materials.

Section C (continued)

- iv) Encourage the use of colors that are compatible with natural materials.
- c) Screening
 - i) Screen parking areas with a continuous 3' to 4' high screen to shield headlights.
 - ii) Screening may be achieved with a dense vegetative hedge and/or a wood picket fence. Historic precedent exists in many of the Pike Towns for wood picket fences.
 - iii) Screen larger unsightly elements such as dumpsters, mechanical equipment, and service areas with evergreen trees, large dense shrub masses, and/or a wood privacy fence. Wood fences should be simple in design with few, if any, ornamental details.
- d) Landscaping
 - i) In Pike Town settings, plant materials should complement architecture and frame or screen views. Use native Ohio tree and shrub species. Avoid exotic plant types in areas visible from the road.
 - ii) Avoid placing trees or shrubs in locations that will ultimately obscure the view of the structure from the road.
- e) Lighting
 - i) In Pike Towns, site lighting should provide for a sense of security and wayfinding while not over-illuminating these quiet and understated communities. Accent lighting that is appropriately scaled and styled is encouraged for building-mounted fixtures.
 - ii) Pedestrian-scale yard lights are encouraged, but should not exceed 8' in height.
- f) Signage
 - i) The number of signs should be limited to one sign per business.
 - ii) Signs in rural villages or Pike Towns should be understated and provide for the most basic function of business identification. Encourage the use of one of the following sign types:
 - a. Wall Signs: These signs are panels, usually made of wood or metal, which are mounted flush against the building wall.
 - b. Projecting Signs: Projecting signs are building-mounted signs that consist of a mounting bracket and a signboard that is hung from the bracket.
 - c. Freestanding Signs: These signs are set permanently in the ground and supported by a frame, bracket or posts. When locating wall signs or projecting signs, avoid covering up important architectural details such as windows, transoms, cornice details, or porch elements.

Section C (continued)

iii) Prohibited signs include: off-premise signs, billboard signs, signs with flashing lights, roof signs, rotating or animated signs, and changeable copy signs. Exceptions should be made for Route 40-era signage that may exist in these towns.

g) Parking Location and Drive

- i) Parking should be accessed by Rear Alleys or Lanes, when such are available on the Regulating Plan.
- ii) A Building or Streetscreen should mask open parking areas from the Frontage.
- iii) Accommodations for off-street parking are rarely found in Pike Towns along the road. The creation of off-street parking areas is discouraged. In most of these towns along the road, parking is adequately provided as parallel parking along the edge or berm of the road.
- iv) On-street parking is recommended and currently provides a separation between the road and pedestrian areas while also acting as a traffic-calming device.
- v) When the creation of a designated off-street parking area is required, set back the parking area behind the primary building setback line. Screening is required.
- vi) Access points shall be carefully considered in order to maximize safety and minimize their intrusion into the historic character of the town. Existing properties should continue to use the on-street parking and minimize the number of access drives along the road.
- vii) If a driveway is required, consider locating it along a side street or rear alley, if possible.

3.1 TABLES -

Table 1: Land Use Planned Development Density and Composition Standards: All percentages are gross areas as a percentage of gross development plan land area, to be measured in square feet.							
Land Use District	Maximum Gross Office Floor Area	Maximum Gross R&D Floor Area	Maximum Gross Commercial Floor Area	Maximum Gross Residential Floor Area	Maximum Gross Parking & Drive Area	Expected Gross Right of Way Area	Minimum Gross Open Space Area
Main Street Mixed Core	25%	0%	25%	10%	20%	10%	10%
Highway Rural Retail Edge	0%	0%	15%	0%	25%	20%	40%

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Table 2: Land Use Single Lot Development Density and Composition Standards: All percentages are gross areas as a percentage of gross development plan land area, to be measured in square feet			
Land Use District	Maximum Gross Building Floor Area	Maximum Gross Parking & Drive Area	Minimum Gross Open Space Area
Main Street Mixed Core	85%	10%	5%
Highway Rural Retail Edge	25%	50%	30%

Table 3: Land Use Building and Parking Standards:								
Land Use District	Minimum Building Front Setback	Minimum Parking Front Setback	Minimum Building & Parking Side & Rear Setback	Maximum Front Setback	Minimum Height	Maximum Height	Minimum Onsite Parking Space per Square Foot	Maximum Onsite Parking Space per Square Foot
Main Street Mixed Core	0 Feet	N/A	0 Feet	10 Feet	20 Feet	50 Feet	N/A	1 per 500 SF
Highway Rural Retail Edge	100 Feet	100 Feet	15 Feet	N/A	15 Feet	35 Feet	1 per 400 SF	1 per 200 SF

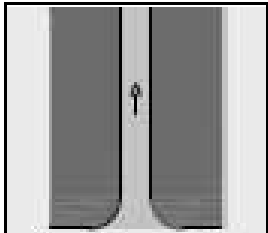

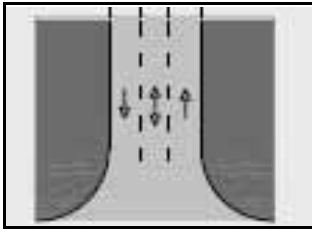
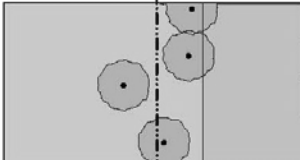
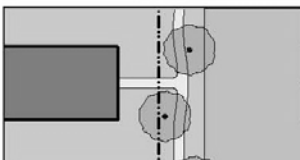
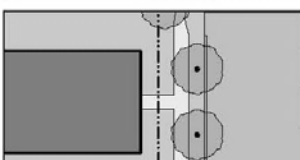
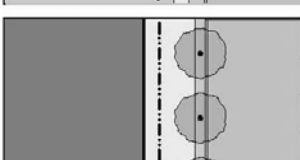



Table 5: Vehicular Lane & Parking Assemblies			
	1 Lane	2 Lane	3 Lane
NO PARKING			

Table 6: Recommended Internal Project Roadway Types				
Development Land Use Type	Use Service Type	Dedicated Public Right of Way Vs. Private Drive	T1	T2
Main Street Mixed Core	Mixed			
Main Street Mixed Core	Mixed			
Highway Rural Retail Edge	Mixed Commercial	Private		A.1 or A.2
Green Space	Green Space / Residential	Private	A.1 or A.2	

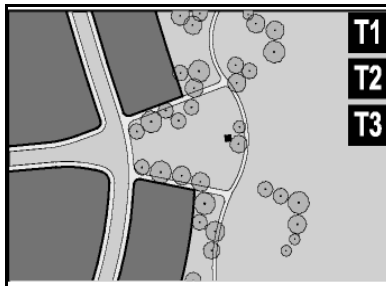
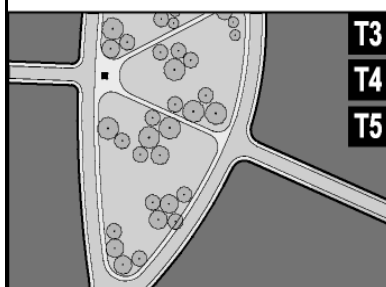
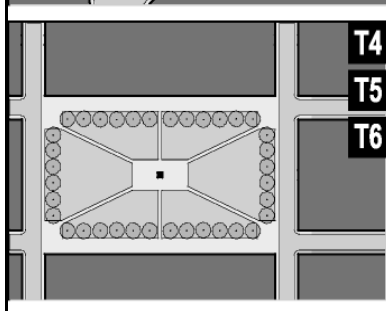
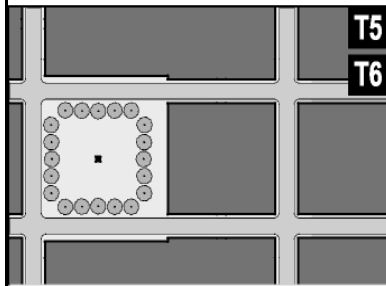
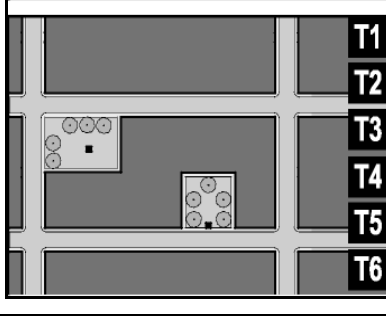
Section C (continued)

TABLE 7: Public Frontages - General. The Public Frontage is the area between the private lot line and the edge of the vehicular lanes.

PLAN	
LOT	R.O.W.
PRIVATE FRONTAGE	PUBLIC FRONTAGE
a. (HW) For Highway: this Frontage has open swales drained by percolation, bicycle trails and no parking. The landscaping consists of the natural condition or multiple species arrayed in naturalistic clusters. Buildings and parking are buffered by distance or screening.	 <div>T1 T2 T3</div>
b. (RD) For Road: this Frontage has open swales drained by percolation and a walking path or bicycle trail along one or both sides and yield parking. The landscaping consists of multiple species arrayed in naturalistic clusters.	 <div>T1 T2 T3</div>
c. (ST) for Street: this Frontage has raised curbs drained by inlets and sidewalks separated from the vehicular lanes by individual or continuous planters, with parking on one or both sides. The landscaping consists of street trees of a single or alternating species aligned in a regularly spaced row, with the exception that streets with a right-of-way (R.O.W.) width of 40 feet or less are exempt from tree requirements.	 <div>T3 T4 T5</div>
d. (DR) For Drive: this Frontage has raised curbs drained by inlets and a wide sidewalk or paved Path along one side, related to a greenway or waterfront. It is separated from the vehicular lanes by individual or continuous planters. The landscaping consists of street trees of a single or alternating species aligned in a regularly spaced row.	 <div>T3 T4 T5 T6</div>
e. (AV) For Avenue: this Frontage has raised curbs drained by inlets and wide sidewalks separated from the vehicular lanes by a narrow continuous Planter with parking on both sides. The landscaping consists of a single tree species aligned in a regularly spaced row.	 <div>T3 T4 T5 T6</div>
f. (CS) (AV) For Commercial Street or Avenue: this Frontage has raised curbs drained by inlets and very wide sidewalks along both sides separated from the vehicular lanes by separate tree wells with grates and parking on both sides. The landscaping consists of a single tree species aligned with regular spacing where possible, but clears the storefront entrances.	 <div>T5 T6</div>
g. (BV) For Boulevard: this Frontage has slip roads on both sides. it consists of raised curbs drained by inlets and sidewalks along both sides, separated from the vehicular lanes by planters. the landscaping consists of double rows of a single tree species aligned in a regularly spaced row.	 <div>T3 T4 T5 T6</div>

Credit: Duany Plater-Zyberk & Co.

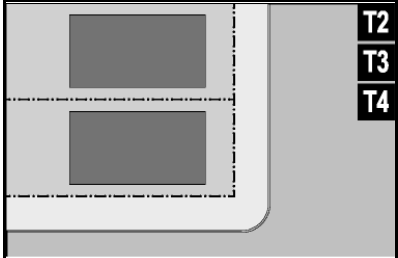
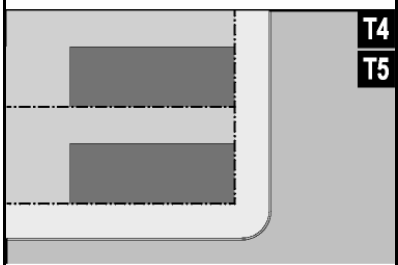
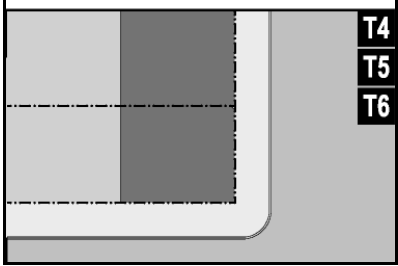
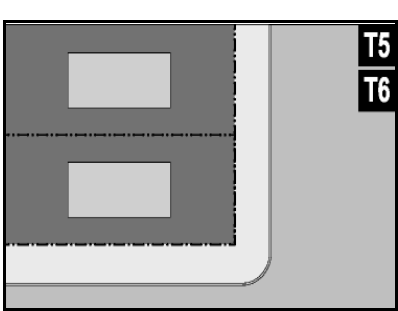
TABLE 8: Civic Space. The intended types of civic space are diagramed and described in this table. The diagrams are only illustrative; specific designs would be prepared in accordance to the verbal descriptions on this table

<p>Park: a natural preserve available for unstructured recreation. A parkway be independent of surrounding building Frontages. Its landscape shall consist of paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors. The minimum size shall be 8 acres.</p>	
<p>Square: an open space available for unstructured recreation and civic purposes. A square is spatially defined by building Frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important thoroughfares. The minimum size shall be ½ acre and the maximum shall be 5 acres.</p>	
<p>Green: an open space, available for unstructured recreation. A green may be spatially defined by landscaping rather than building Frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be ½ acre and the maximum shall be 8 acres.</p>	
<p>Plaza: an open space available for civic purposes and commercial activities. A plaza shall be spatially defined by building Frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size shall be ½ acre and the maximum shall be 2 acres.</p>	
<p>Playground: an open space designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within residential areas and may be placed within a block. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.</p>	

Credit: Duany Plater-Zyberk & Co.

Section C (continued)

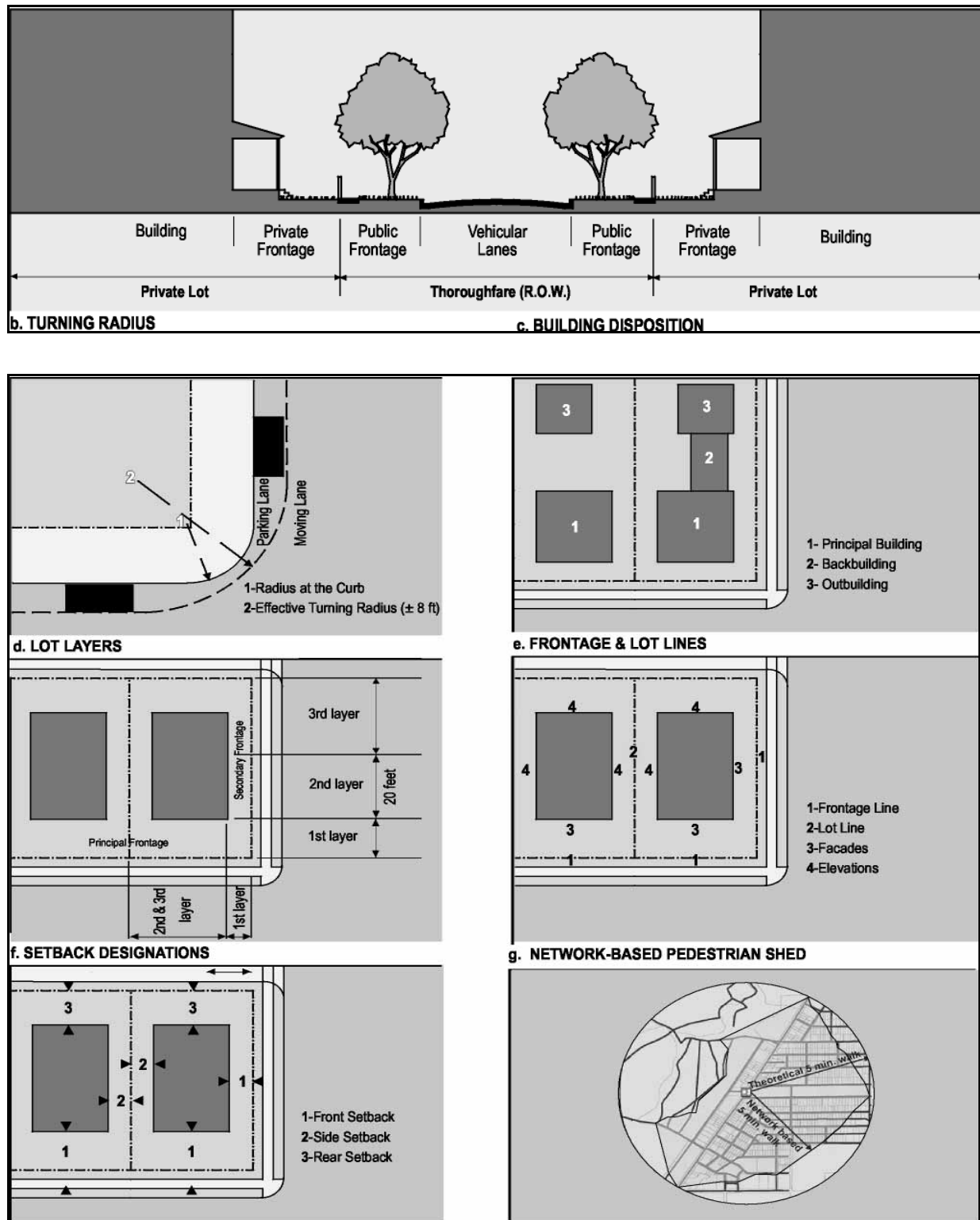
TABLE 9: Building Disposition. This table approximates the location of the building relative to the boundaries of each individual lot. Each of these very general types is intrinsically more or less urban, depending on the extent that it completes the Frontage.

<p>Edgeyard: specific types - single family house, cottage, villa, estate house, urban villa. A building that occupies the center of its lot with setbacks on all sides. This is the least urban of types as the front yard sets it back from the Frontage, while the side yards weaken the spatial definition of the public thoroughfare space. The front yard is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well-placed backbuilding and/ or outbuilding.</p>	
<p>Sideyard: specific types - Charleston single house, double house, zero-lot-line house, and twin. A building that occupies one side of the lot with the setback to the other side. A shallow Frontage setback defines a more urban condition. If the adjacent building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation in response to the sun or the breeze. If a sideyard house abuts a neighboring sideyard house, the type is known as a twin or double house. Energy costs and sometimes noise are reduced by sharing a party wall in this Disposition.</p>	
<p>Rear yard: specific types - townhouse, rowhouse, live-Work unit, loft building, apartment house, Mixed Use block, Flex building, perimeter block. A building that occupies the full Frontage, leaving the rear of the lot as the sole yard. This is a very urban type as the continuous facade steadily defines the public thoroughfare. The rear elevations may be articulated for functional purposes. In its residential form, this type is the rowhouse. For its commercial form, the rear yard can accommodate substantial parking.</p>	
<p>Courtyard: specific types - patio house. A building that occupies the boundaries of its lot while internally defining one or more private patios. This is the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public thoroughfare. Because of its ability to accommodate incompatible activities, masking them from all sides, it is recommended for workshops, lodging and schools. The high security provided by the continuous enclosure is useful for crime-prone areas.</p>	

Credit: Duany Plater-Zyberk & Co.

Section C (continued)

TABLE 10: Definitions Illustrated. This table provides a number of diagrams to support and clarify the Definitions
Credit: Duany Plater-Zyberk & Co.

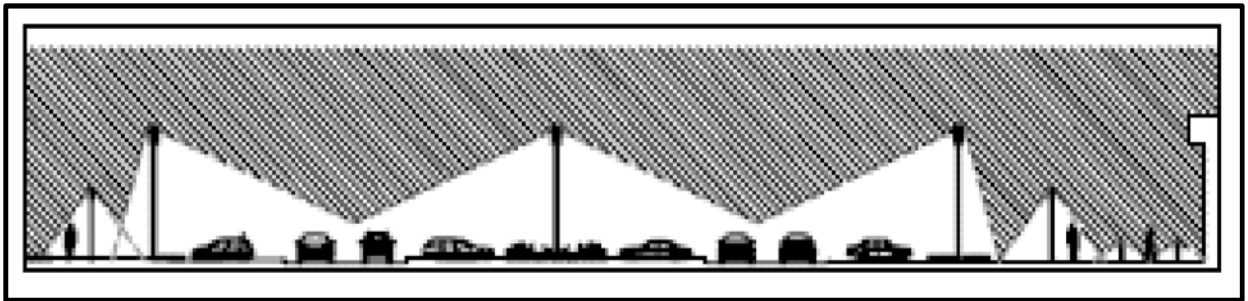


Section C (continued)

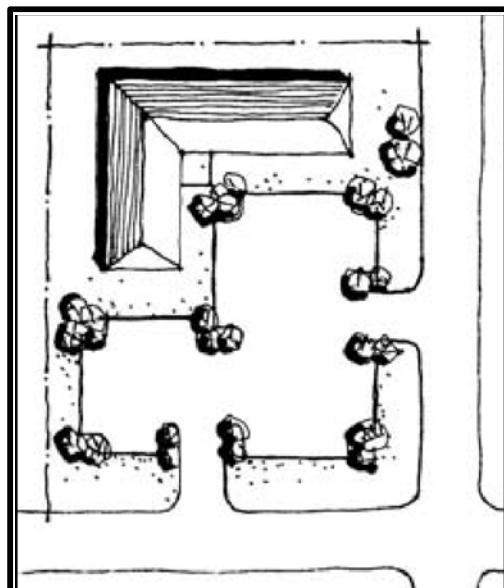
Table 11: Lighting Standards No lighting level measured at the property line shall exceed the following foot-candles (fc).	
T1	T2
0.5 fc	0.5 fc

Table 12: Sound Standards Sound levels measured at the building Frontage Line shall not exceed maximum decibels from sunrise to midnight and maximum decibels from midnight to sunrise		
	T1	T2
maximum decibels from sunrise to midnight	65 dB	65 dB
maximum decibels from midnight to sunrise	55 dB	55 dB

Graphic 1: Cut-off light fixtures Credit: MSI

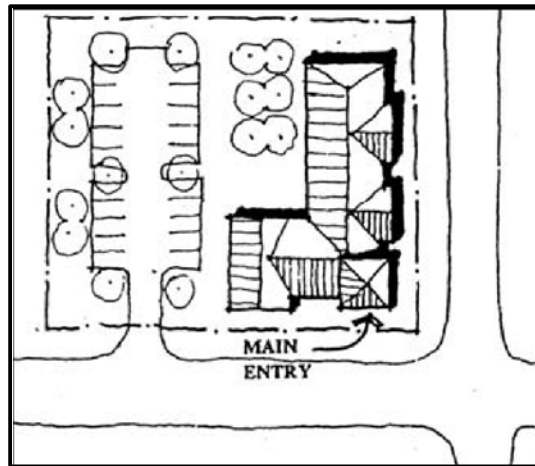


Graphic 2: Prohibited rear yard building configuration

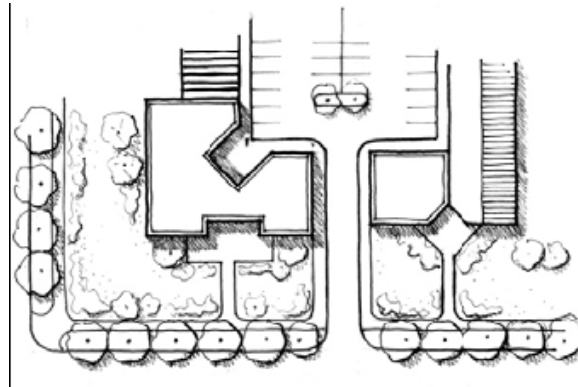


Section C (continued)

Graphic 3: Building close to street



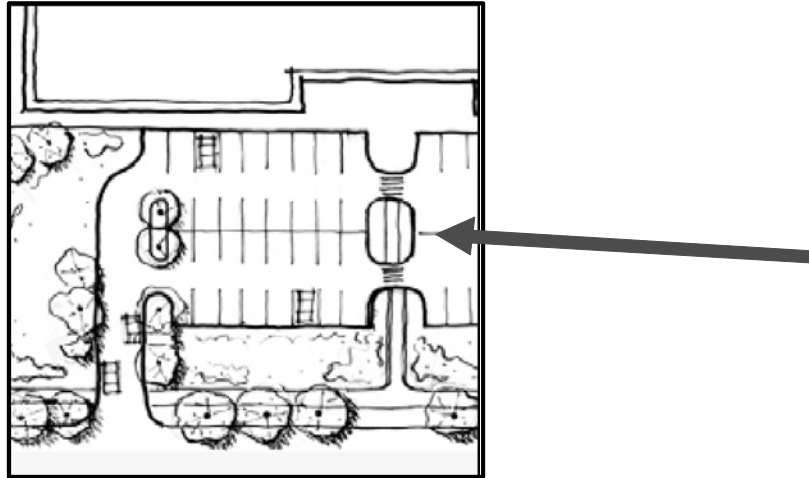
Graphic 4: Pedestrian access and shared vehicular access driveway



Graphic5: Urban screening



Graphic6: Walkway connecting the sidewalk and parking lot with the building



CHAPTER 4

PLANNED DEVELOPMENT DISTRICT REQUIREMENTS AND PROCEDURES

CHAPTER 4

PLANNED DEVELOPMENT DISTRICT REQUIREMENTS AND PROCEDURES

Section A PD Planned Development Districts Requirements and Procedures [eff: 3-25-03]

1. Intent. The intent of the Planned Development Districts is to establish a zoning procedure for the development of areas on a planned basis in accordance with an overall Development Plan and specific procedures for site plan review and approval. In addition, it is proposed to be flexible in the regulation of basic land planning and to encourage imaginative site planning that serves the overall development. Planned Development Districts are intended to be located in areas which are served with appropriate infrastructure.
2. Purpose. The PD Planned Development District is established to:
 - (a) Permit flexibility in the use and design of structures and land in situations where conventional development may be inappropriate and where modifications of requirements of the underlying zone will not be contrary to the intent and purpose of the Zoning Code, inconsistent with the Land Use Plan, nor harmful to the neighborhood.
 - (b) Conserve land through more efficient allocation of an overall development design through new techniques not available through strict adherence to usual zoning standards.
3. Applicability. The provisions of this Chapter may apply to any land within the unincorporated area of the County that are regulated by County Zoning, which are to be developed in a more flexible manner than permitted by the provisions of Chapter 2 of these Regulations. All requirements of the Clark County Subdivision Regulations shall be complied with.
4. Development Requirements.
 - (a) The physical character of the site shall be suitable for development in the manner proposed, without hazards to persons or property on or off the site from possible flooding, erosion, subsidence or other dangers, annoyances or inconveniences.
 - (b) The site shall have direct access to a major street* and not generate traffic on minor residential streets outside the district. This requirement does not apply to single family detached residential developments having an overall density of four dwelling units per acre or less.
 - (c) Utilities and public facilities for the proposed development shall be installed at the expense of the developer.
 - (d) The development shall provide for efficient, safe, convenient and harmonious grouping of structures, uses and facilities.
 - (e) There shall be an appropriate relationship of space, inside and outside buildings, to the intended uses and structural features.
 - (f) Provision shall be made at points of ingress, egress and within the district to ensure a free and safe flow of vehicular and pedestrian traffic.

* Major street is any street other than a "Local street" as shown on the Thoroughfare Plan.

Section A (continued)

- (g) Common areas and open space may be required.
 - (h) All off-street common parking for more than five cars, all service areas for loading and unloading vehicles, and all areas for storage and collection of trash and garbage shall all be properly screened.
5. Standards for Planned Development "PD" Districts.
- (a) The planned development should be completed within the period of time specified in the schedule of development submitted by the developer.
 - (b) The planned development shall not jeopardize public health, safety and morals.
 - (c) The street system within the site shall be designed to adequately serve the proposed development, relative to use and type. If warranted or recommended by the County Engineer, the developer may be required to submit a traffic study to determine whether offsite improvements or devices are needed to maintain a suitable level of service on the adjacent public roadways.
 - (d) The development should not impose an undue burden on public services, utilities, or other infrastructure and facilities, including fire and police protection.
 - (e) The development plan shall contain such proposed covenants, easements and other provisions relating to the proposed development standards, as are reasonably required for public health, safety and morals.
 - (f) The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses, and any part of the planned development not used for structures, parking and loading areas, or accessways, shall be landscaped, improved, or otherwise used appropriately in concert with the overall development.
 - (g) When a planned development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear a relationship equal to or greater than to the total open space to be provided in the entire planned development as such stages or units completed or under development bear to the entire planned development.
 - (h) A major change in the development plan is defined as: [eff: 9-4-08]
 - (1) An increase in the proposed baseline density of the entire project greater than 15% or any phase/section greater than 10%;
 - (2) A change in the proposed uses or relocation of uses that change the character of the development;
 - (3) A change in the proposed utilization of public infrastructure of more than 15%;
 - (4) The possible creation of obstacles, barriers and service problems to traffic circulation, fire protection, public safety, and public utility services due to the revision(s);
 - (5) A reduction by greater than 5% of the designated open space;
 - (6) An increase in any dimension of a building or structure by more than 5% in any direction.

Section A (continued)

6. Criteria for Approval. In approving an application for a Planned Development the reviewing authorities shall determine:
 - (a) That the proposed development is consistent with the purpose and intent applicable standards of these Zoning Regulations and the Comprehensive Plan.
 - (b) That each individual section of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective will be attained.
 - (c) That the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other Zoning Districts in these Regulations.
 - (d) That the internal streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic.
 - (e) That any part of the development not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved unless left in a natural state.
 - (f) The plan is acceptable, or will be acceptable, to the County Engineer, Clark Soil & Water Conservation District, the Combined Health District or Ohio EPA and the provider of public sewer and water (if applicable).
 - (g) That significant cultural, historical, and natural amenities of the site are preserved and protected.
 - (h) That common areas and open space will be managed and maintained for the long term.
 - (i) That infrastructure, including sewer and water, will be sufficient for the needs of the occupants and not precipitate health or safety problems in the future.
7. The applicant/owner/developer is encouraged to undertake informal discussions of a concept plan with the County Planning staff prior to submitting a preliminary PD plan.
8. Preliminary PD Plan. The owner of land who wishes to develop his property according to the provisions of this chapter, shall submit six (6) copies of a preliminary PD plan and application for preliminary approval. The preliminary PD plan for the use and development of the area of land shall list all requested variations from requirements of the underlying district in which the tract of land is located. The preliminary PD plan may show a range of dimensions and need not have the specificity of the final plan. The application shall be accompanied by the following:
 - (a) A location map affixed to the plan.
 - (b) A preliminary PD plan of the proposed development drawn to an appropriate scale, showing:
 - (1) Existing and proposed uses.

Section A (continued)

- (2) Topographic contours at two (2) foot intervals or less on the PD property and within two hundred (200) feet of the proposed development.
- (3) Location of floodplain and wetlands on the PD property and adjacent thereto.
- (4) Location of existing and proposed streets, including points of connection.
- (5) Location of existing and proposed utilities, including points of connection.
- (6) Location and type of drainage and storm water management facilities.
- (7) Approximate number of structures, by type use and size, proposed for the planned development.
- (8) For non-residential uses:
 - a) building size-to-lot ratio
 - b) plans for storage of any items outside of buildings
 - c) signage standards
- (9) Proposed general arrangement of the buildings.
- (10) Location and area (size) of proposed open spaces either to be held in common or publicly, and whether it is to be used for active recreational purposes or only as an environmental amenity.
- (11) Sketches to show the general architectural design of buildings, types and character of the development.
- (12) Legal description of the tract of land for the planned development.
- (13) Parking provisions.
- (14) Loading facilities, if any.
- (15) Proposed landscaping approach (theme).
- (16) Such other information as is necessary to ascertain compliance with the requirements of this chapter.
- (17) An overview of existing and planned uses in surrounding area and expected impact of the proposed development on them.
- (18) General description of natural features of the site (trees, vegetation, floodplain, wetlands, streams) and approach for preserving and protecting them during construction and final build out.
- (19) Proposed timetable for development including general description and diagram of phases of development.

Section A (continued)

9. Preliminary PD Plan Approval. Approval of a preliminary PD plan shall be in accordance with procedures set forth herein. Approval of the zoning of the land to a PD district shall constitute approval of the preliminary plan. A preliminary PD plan shall be valid for no more than 36 months, unless specifically provided otherwise in the PD approval. The Preliminary Plan shall be void unless a Final PD Plan has been submitted for the development within the 36 month period for the area of land to which the PD applies or an application for a time extension is submitted prior to the 36 month expiration date for the area of land to which the PD applies and receives approval from the Clark County Rural Zoning Commission.
[eff: 12-6-07]
10. Report of County Planning Commission. Upon completion of review of the preliminary PD plan of the planned development, the Commission shall recommend either approval or denial of the plan and shall report its findings to the Rural Zoning Commission and County Commission. The report shall address the following: the variations in setbacks, lot area requirements, building heights, building types, sizes of buildings, consistency with the Comprehensive Plan, the combination of land uses, and traffic flow will be in the public interest, in harmony with the purposes of this code and other building regulations of the County and will not adversely affect nearby properties.
11. Changes in an Approved Preliminary PD Plan. Major changes in an approved preliminary PD plan shall be subject to the same procedures for approval as for the original approved plan. A major change is defined in Section A., 5., (h). Any other changes are considered minor changes and may be approved by the Planning Director.
12. Final PD Plan. Applications for approval of the final PD plan shall meet all the requirements of the preliminary PD plan and include the following:
 - (a) Detailed plans and specifications of the planned development.
 - (b) Building elevations and floor plans for all structures.
 - (c) Details of materials to be used for exterior construction.
 - (d) A landscape plan including screening and buffering, if necessary, between the proposed and existing development.
 - (e) Maintenance/ownership details of open space areas including stormwater facilities.
13. Final PD Plan of Phase/Section. After preliminary approval of the entire planned development is given, a final plan of a Phase/Section within the planned development may be approved if:
 - (a) The plan of the Phase/Section meets all requirements of a final plan.
 - (b) The dwelling unit density within the Phase/Section does not exceed the dwelling unit density allowable for the least restrictive use for that area under existing zoning.
 - (c) The Phase/Section can function as an independent development unit with adequate access, services, utilities, open space, etc.
 - (d) The developer subdivides and improves all public rights-of-way necessary to support the Phase/Section.
 - (e) The remaining Phase/Section is not left as an undevelopable remnant.

Section A (continued)

14. Final Plan Approval. Final approval of any PD plan, or Phase/Section thereof, shall be by:

- (a) Administrative Staff review for a PD not requiring the immediate or future subdividing of property, i.e. the PD is contained on one parcel and shall not be subdivided.
- (b) Review and approval by the Planning Commission as a subdivision when lots or parcels are shown or proposed, i.e. the normal subdivision process is required but only as a Final Subdivision Plat.

Approval shall be based on compliance with an approved preliminary PD plan and any modifications required by the County Rural Zoning Commission and County Commission at the time the land was zoned to PD. The Final Plan shall be considered void unless a building permit has been issued for the development within the 36 month period for the area of land to which the PD applies unless an application for a time extension is submitted and approved.

15. Recording of Final Plan. After approval of the PD Final Plan noted in 3. above, said approved Final Plan shall be recorded in the office of the County Recorder.

16. Building and Zoning Permits. After the PD Final Plan has been recorded as noted in 15. above, the final plan, or parts of the final plan, as finally approved, shall be filed with Building and Zoning Officials. Building and zoning permits may be issued only for structures conforming to the PD plan.

17. Changes in an Approved Final PD Plan. Major changes in an approved final PD plan shall be subject to the same procedures for approval as for the original approved plan. A major change is defined in Section A., 5., (h). Any other changes are considered minor changes and may be approved by the Planning Director.

18. Denial of PD Final Plan or Denial of Minor Change. Should a PD Final Plan be denied or a minor change be denied based on non-compliance with the PD Preliminary Plan, the applicant may request a review by the Rural Zoning Commission for a determination of compliance or non-compliance.

Section B PD-R Planned Development - Residential District Requirements and Procedures [eff: 3-25-03]

1. Intent. The intent of the PD-R district regulations is to:

- (a) Provide flexibility in architectural design, placement and clustering of buildings, use of open space, provision of traffic circulation facilities and parking, and related site and design considerations;
- (b) Encourage the preservation and best use of existing landscape features through development sensitive to the natural features of the surrounding area;
- (c) Promote efficient land use with smaller networks of utilities and streets;
- (d) Encourage and preserve opportunities for energy efficient development;

Section B (continued)

- (e) Promote an attractive and safe living environment that is compatible with surrounding residential developments; and
 - (f) Provide an alternate method for redeveloping older residential areas and to encourage infill development.
- 2. Permitted Uses. Those uses specified as permitted principal uses, permitted accessory uses, and conditional uses in the "R-1", "R-2", "R-2A", "R-3", and/or "R-4" residential zoning districts, developed in a unified manner in accordance with the approved development plan.
- 3. Applicability. Housing shall be permitted as follows:
 - (a) For development of land of two (2) acres or more.
 - (b) For development of land less than two (2) acre where such development is more appropriate and more efficient than conventional development because of environmentally sensitive areas, existing natural features or scenic assets, the amount of land available for infill development, or because of the age of existing development in the vicinity.
- 4. General Requirements. All PD-R developments shall meet the following criteria:
 - (a) Land uses. Any residential uses are permitted. Combinations of land uses may include single-family, multifamily, and group care facilities.
 - (b) Variations. Variations in the requirements of the underlying district may be permitted. However, setbacks required by the Ohio Basic Building Code, legislated by the State of Ohio, or the Ohio Residential Code For One-, Two-, and Three-Family Dwellings, whichever is applicable, shall be provided.
 - (c) Dwelling unit density. The dwelling unit density shall be calculated on the buildable acreage (gross acreage less public and/or private street right-of-way, flood plain, etc.) divided by the minimum lot size (square footage) for the allowed "R" Zoning District. Lot sizes can be less than the minimum designated in the "R" District provided the dwelling unit density of the buildable acreage does not exceed the density permitted in the "R" District. Density should be in accordance with the comprehensive plan.
 - (d) Streets. Planned developments shall make provision for the extension of streets, if any.
 - (e) Storm water management. The planned development shall comply with the requirements for storm water management, including the provision of detention or retention basins. The developer shall submit a legally binding instrument setting forth the procedures to be followed in maintaining the areas and the means for financing maintenance costs. Generally, such costs shall be shared by all owners of property located within the planned development, with unpaid costs becoming a lien against individual properties.
 - (f) Open space. Except in a conventional subdivision, planned developments are encouraged to provide open space for flood control, agriculture, active or passive recreational purposes, etc., and to enhance the general character of the area. In the event the open space land is to be retained under private ownership, the developer shall submit a legally binding instrument setting forth the procedures to be followed in maintaining the areas and the means for financing maintenance costs as with storm water detention or retention basins in Subsection (e) above.

Section B (continued)

- (g) Dedication of land for public or common use. All proposed dedications of land for public or common use, including those to be dedicated for recreational use, shall be approved in writing by appropriate departments of the County before the approval of the plan by the County Commission.
 - (h) Ownership. At the time of approval of a preliminary plan, the developer must submit evidence of ownership of the property to be developed or show evidence of a legally binding executed option agreement for purchasing all the property.
 - (i) Schedule of completion. A developer or sponsor of a planned development shall submit a signed statement generally describing the proposed development and setting forth an intended time schedule for the completion of various phases.
 - (j) Other requirements. Other conditions may be imposed as deemed necessary to fulfill the purpose and intent of this chapter. Such conditions may include but are not limited to planting screens, fencing, construction commencement and completion dates, lighting, operational controls, improved traffic circulation, highway access restrictions, yards, and parking requirements.
5. Requirements for Areas less than Two (2) Acres. A PD-R plan for an area containing less than two (2) acres shall in addition to or in lieu of the requirements elsewhere above, meet the following requirements:
- (a) The density and design of the PD-R shall be compatible in use, size and type of structure, relative amount of open space, traffic circulation and general layout with adjoining land uses, and shall be integrated into the neighborhood.
 - (b) Multi-family structures located adjacent to existing single-family dwellings shall be sited, landscaped and screened by natural features and plant materials to harmoniously integrate the planned development with the surrounding neighborhood.
 - (c) The development shall not overburden existing streets and utilities.
 - (d) The development shall not adversely affect views, light and air, property values and privacy of neighboring properties any more than would a conventional development.

Section C PD-O Planned Development - Office District Requirements and Procedures [eff: 3-25-03]

1. Intent. The intent of the "PD-O" District regulations is to:
- (a) Provide for and recognize that many office establishments seek to develop within unified groupings, usually under single ownership and control, and typically called "office centers or office parks".
 - (b) Achieve harmoniously designed structures upon a well landscaped site, achieving a high degree of pedestrian-vehicular separation, all of which would be compatible with surrounding land uses;
 - (c) Assure such groupings would have all necessary services and facilities comprehensively provided in accordance with an approved development plan; and,
 - (d) Encourage and preserve opportunities for energy efficient development.

Section C (continued)

2. Permitted Uses. Those uses included as permitted principal uses, accessory uses, and conditional uses in the "O-1", and/or "OR-2" Office Districts. The Rural Zoning Commission or County Commission may exclude any proposed use determined inappropriate for the specific PD-O.

Section D PD-B Planned Development - Business District Requirements and Procedures [eff: 3-25-03]

1. Intent. The intent of the "PD-B" District regulations is to:
 - (a) Provide for business establishments seeking to develop within unified commercial areas, usually under single ownership and control, and typically called "shopping centers";
 - (b) Achieve harmoniously designed structures upon a well landscaped site, achieving a high degree of pedestrian-vehicular separation, all of which would be compatible with surrounding land uses;
 - (c) Develop such centers with all necessary services and facilities comprehensively provided in accordance with an approved development plan;
 - (d) Encourage and preserve opportunities for energy efficient development; and
 - (e) Promote an attractive environment that is compatible with surrounding developments.
2. Permitted Uses. In general, the uses for PD-B will be permitted principal uses, accessory uses, and conditional uses in the "B-1", "B-2", "B-3", or "B-4" Business Districts. The development plan should include proposed uses from the "B" Districts as well as any proposed business use not listed in the "B" Districts. The Rural Zoning Commission or County Commissioners may exclude any proposed use determined inappropriate for the specific PD-B.

Section E PD-I Planned Development - Industrial District Requirements and Procedures [eff: 3-25-03]

1. Intent. The intent of the "PD-I" District regulations is to:
 - (a) Provide for industrial establishments seeking to develop within unified industrial areas typically called "industrial parks";
 - (b) Encourage provisions of this zone to be formulated with a high degree of coordinated development including well-landscaped premises;
 - (c) Promote efficient land use with smaller networks of utilities and streets;
 - (d) Encourage and preserve opportunities for energy efficient development; and
 - (e) Develop such centers with the necessary services and facilities comprehensively provided in accordance with a predetermined development plan.. particular attention is devoted to design of the periphery of the development with the objective of compatibility with surrounding land uses.

Section E (continued)

2. Permitted Uses. In general, the uses for PD-I will be permitted principal uses, accessory uses, and conditional uses in the "I-1" Industrial District, except uses listed in the "B" Districts (Chapter 2, Section H). The development plan should include proposed uses from the "I" District, any proposed industrial use not listed in the "I" District, and signage plans. The Rural Zoning Commission or County Commissioners may exclude any proposed use determined inappropriate for the specific PD-I.

Section F PD-M Planned Development - Mixed Use District Requirements and Procedures [eff: 3-25-03]

1. Intent. The intent of the PD-M District regulations is to:
 - (a) Provide flexibility for a variety of land uses arranged in such a way as to develop a plan permitting a mixture of types of buildings and uses in harmony with the each other which are not provided for in any of the other "PD" Districts;
 - (b) Encourage the preservation and best use of existing landscape features through development sensitive to the natural features of the surrounding area;
 - (c) Promote efficient land use with smaller networks of utilities and streets;
 - (d) Encourage and preserve opportunities for energy efficient development; and
 - (e) Promote an attractive environment that is compatible with surrounding developments.
2. Permitted Uses. Those uses included as permitted principal uses, accessory uses, and conditional uses in any zoning district except the R-MHP District. The Rural Zoning Commission or County Commission may exclude any proposed use determined inappropriate for the specific PD-M.

Section G PD-C Planned Development - Conservation District Requirements and Procedures [eff: 3-25-03]

1. Intent. The intent of the PD-C District regulations is to:
 - (a) Provide flexibility for a variety of land uses arranged in such a way as to develop a plan permitting a mixture of types of buildings and uses in harmony with the natural surroundings;
 - (b) Maximize protection of the natural resources of the community;
 - (c) Conserve the quality of a rural settings;
 - (d) Establish development review criteria promoting design solutions which best conserves the resources of the area; and
 - (e) Promote an attractive environment that is compatible with, or enhances, the surrounding developments.

Section G (continued)

2. Permitted Uses -

- (a) Detached single-family dwellings;
- (b) Single-family cluster dwellings;
- (c) Single-family attached dwellings;
- (d) Recreation facilities for use by residents of the PD-C;
- (e) Other open space or natural areas for use by the residents of the PD-C; and
- (f) Agricultural uses.

The Rural Zoning Commission or County Commission may exclude any proposed use determined inappropriate for the specific PD-C.

3. Requirements -

- (a) Minimum open space is 40% of gross area. Open space does not include:
 - (1) Private roads and public rights-of-way;
 - (2) Parking areas, accessways, and driveways;
 - (3) Required setbacks between buildings and parking areas;
 - (4) Required setbacks between buildings and streets;
 - (5) Minimum spacing between buildings, and between buildings and parking areas;
 - (6) Private yards; and
 - (7) Other small fragmented or isolated open space areas.
- (b) PD-C subject to same requirements under Section B., 4. General Requirements.

Section H - Residential Manufactured (Mobile) Home Park Development Requirements and Procedures

Mobile home parks are permitted in the R-MHP Residential Mobile Home Park District in accordance with the specifications listed in Chapter 2, and subject to the following conditions:

1. General Provisions

- (a) No one may apply for a Zoning Certificate for a mobile home park without first obtaining approval from the Ohio Environmental Protection Agency and/or the Clark County Health Department.
- (b) Any existing mobile home not located within a mobile home park or within an A-I District shall be a Non-conforming Use. Such mobile home is privileged to remain at its present location, but may not be moved to a location other than an A-I District except by meeting the requirements for mobile home parks stated herein.

Section H (continued)

- (c) Any mobile home in a mobile home park must be permanently affixed to the ground. It shall be unlawful to occupy or sleep in any mobile home unless it meets the requirements of this Section.
 - (d) No mobile home shall be used for any purpose other than single-family residential.
 - (e) No existing mobile home park may be expanded without making application for a Zoning Certificate and meeting the requirements of this Section.
 - (f) Nothing in the provisions of these Regulations shall prohibit the replacement of a mobile home at its same location.
2. Requirements and Filing Procedure for Mobile Home Parks. The owner/developer(s) shall file a Mobile Home Park Development Plan for the proposed mobile home park with the Rural Zoning Commission. The Mobile Home Park Development Plan shall include the following information:
- (a) The proposed location, site size, total number of mobile home sites to be developed, and the production schedule for the development.
 - (b) Proposed location, size, and use of the non-residential portions of the tract, including usable open space, parklands, playgrounds, and other areas and spaces, including their suggested ownership.
 - (c) Proposed provisions for water, sanitary sewer, surface drainage, and fire protection facilities, including engineering feasibility studies or other pertinent information.
 - (d) Proposed traffic circulation pattern, including location of public and private streets, walks, and other accessways, showing their relationship to existing streets and topographic features.
 - (e) Names and addresses of the owners of all properties lying within two hundred (200) feet of any part of the tract proposed for development approval.
 - (f) Deed restrictions, covenants, easements, and encumbrances to be used to control the use, development, and/or maintenance of the zoning tract.
3. Design Standards
- (a) The tract of land to be developed as a mobile home park shall contain a minimum of five (5) acres, said tract being served by public water and sewerage systems or approved off-site water and sanitary sewer systems.
 - (b) Before a mobile home park may be occupied, it shall be a condition that at least thirty (30) percent of the mobile home lots be completed and ready for occupancy, which completion shall include, but not be limited to, the installation of all roadways and drives, sidewalks, lighting, public utilities, and service and management buildings serving the sites to be occupied. Before any site may be occupied, all facilities required for serving the site with emergency vehicles shall be completed.
 - (c) Each mobile home dwelling, including accessory buildings, garages, and porches, shall not cover more than forty (40) percent of the area of the mobile home space or lot on which it is placed.
 - (d) Every mobile home placed on a mobile home space or lot shall front upon an interior drive within the mobile home park.

Section H (continued)

- (e) No mobile home in a mobile home park shall front upon or be located within seventy-five (75) feet of any public right-of-way.

4. Streets, Sidewalks, and Parking

- (a) Every mobile home park shall provide a main entrance drive not less than thirty-six (36) feet wide. All other drives shall be of a width and design necessary for the use required as determined by the Clark County Engineer, except that no drive shall have a usable travel width less than twenty-four (24) feet with an inside radius on all curves of not less than forty (40) feet.
- (b) All drives shall be protected at the edges by curbs, gutters, or other suitable edging as necessary to provide for the stabilization of the pavement and adequate drainage.
- (c) All mobile home spaces or lots shall abut a driveway.
- (d) Every mobile home park shall contain continuous sidewalks not less than three (3) feet wide along all internal drives used on site frontage.
- (e) Within the boundary of each mobile home space or lot there shall be at least two (2) paved parking spaces not closer than three (3) feet to the mobile home dwelling, nor closer than ten (10) feet from any mobile home dwelling on an adjoining space or lot. Said parking spaces shall be not less than nine (9) feet wide and twenty (20) feet long when measured rectangularly.

5. Utility Requirements

- (a) Water. Every mobile home park shall be served by an approved off- site water system.
- (b) Fire Protection. For fire protection purposes, there shall be domestic water under adequate pressure in standard fire hydrants approved by the Clark County Engineer, which hydrants shall be located within five hundred (500) feet of every mobile home space or lot within the mobile home park.
- (c) Sanitary Sewers. Every mobile home park shall be connected to an approved off-site sanitary sewerage system.
- (d) Storm Drainage. Adequate storm drainage for each mobile home lot shall be provided.
- (e) Heating Fuel Supply. Fuel systems shall be installed and maintained in accordance with applicable state and local codes and regulations. All fuel storage containers, barrels, tanks, or cylinders and piping to the mobile homes shall be securely fastened in place and protected against physical damage.
- (f) Natural Gas System. When natural gas piping systems are used, they shall be installed underground in accordance with applicable codes and regulations and public utility standards. Each mobile home space or lot provide with piped natural gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved method to prevent accidental discharge of gas when the outlet is not in use.

Section H (continued)

6. Mobile Home Stand and Skirts

- (a) Each mobile home dwelling shall be placed on and have its four corners supported by and anchored to a concrete foundation designed to carry the load placed thereon. Rigid skirts designed to screen and seal the space between the mobile home and its concrete foundation shall be installed within sixty (60) days from the time that the mobile home is placed on the space or lot.

7. Communal Facilities. In all mobile home parks, the following facilities shall be provided and available to residents:

- (a) Management and maintenance offices including storage facilities for grounds-keeping equipment.
- (b) Laundry and drying facilities in a permanent structure which shall be in a convenient, accessible location, and which shall also provide laundry trays and sinks.
- (c) A safe, usable, conveniently located recreation area or areas shall be located in each mobile home park, and shall comprise an area equal to one fifteen-thousandth (.015) of an acre for each mobile home proposed to be located within such development.
- (d) No communal facility in a mobile home park shall front upon or be located within seventy-five (75) feet of any public right-of-way.

8. Peripheral Buffer

- (a) No mobile home in a mobile home park shall be located within forty (40) feet of any other Zoning District. All mobile home park tracts which are adjacent to a Residential Zoning District shall provide a twenty (20) foot wide planting strip which extends along all outside boundaries contiguous to the Residential District. The strips shall be planted with trees and shrubs that will provide a dense screen at all times, and shall be maintained in good condition by the owner.

9. Vehicular Entrances and Exits

- (a) No vehicular entrance to or exit from any mobile home park, wherever such park may be located, shall be within two hundred (200) feet along streets from any school, public playground, church, hospital, library, or institution for dependents or for children.

10. Conditions of Approval

- (a) The basis for the approval of a Mobile Home Park Development application shall be:
 - (1) That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of these Regulations.
 - (2) That the proposed development is in conformity with existing County and Township development plans.
 - (3) That the proposed development advances the general welfare of the County or Township and the immediate vicinity.
 - (4) That the design character and improved site arrangement justify the location and size proposed in the development.

Section H (continued)

- (5) That the water and sewerage facilities to serve the proposed development have been approved by the Clark County Sanitary Engineer, the Ohio Environmental Protection Agency, and/or the Clark County Health Department.
- (b) The approval shall be for a period of one (1) year to allow construction to be substantially started in accordance with the Mobile Home Park Development Plan, with evidence that construction will be completed within a reasonable length of time. Unless construction, as described, is initiated within the one (1) year time limit, the approval shall be voided and the land shall automatically revert to the former underlying Zoning District, except when an application for a time extension has been submitted and approved by the Board of County Commissioners.
- (c) The Rural Zoning Commission and/or the Board of County Commissioners may impose any additional development standards and/or controls, including the posting of a performance bond, deemed necessary to ensure development in conformance with the intent and requirements of this Section.

CHAPTER 5

OFF-STREET PARKING AND LOADING/UNLOADING REGULATIONS

CHAPTER 5

OFF-STREET PARKING AND LOADING/UNLOADING REGULATIONS

Section A - Design Standards for Off-Street Parking [eff: 11-6-08]

(See Figure 5-A, Table 5.1 and Figure 5-B for additional detail)

1. In all Districts there shall be provided at the time any building or structure is erected or structurally altered off-street parking spaces in accordance with the following requirements.
 - (a) Dimensions / spaces. Parking spaces shall be not less than nine (9) feet wide and eighteen (18) feet long and must comply with Table 5.1 (see other requirements noted on Figure 5-A and 5-B). Such spaces shall be measured rectangularly and shall be served by aiseways of sufficient width to permit easy and smooth access to all parking spaces and shall be maintained in good condition. Stacked parking is prohibited. Parking spaces for the disabled shall meet current national accessibility standards.
 - (b) Paving. Except in Agricultural Districts and in the R-1, R-2, R-2A, and R-2B Districts, all parking areas and adjacent aisles or driveways shall be paved with asphaltic material or cement.
 - (c) Driveways / Aisles / Access Drives
 - (1) The number and location of driveways (aka access points / ingress & egress) to a public road shall be determined by the Clark County Engineer or ODOT.
 - (2) Access drives within the parking lot area shall be of such width and general design as shown in Figure 5-A, including Table 5.1, and Figure 5-B. For access ways or drives not shown in Figure 5-A or Figure 5-B, the layout must be approved by the County Zoning Inspector who may consult with the County Engineer for appropriate design criteria.
 - (3) Except in the Agricultural Districts and in the R-1, R-2, R-2A, and R-2B Districts, no access drive shall be located nearer than five (5) feet to the side or rear lot line unless utilized for cross access between uses, or nearer than ten (10) feet to any public road right-of-way (or proposed right-of-way) line.
 - (4) A driveway shall not be located closer than forty (40) feet to a public street intersection right-of-way (or proposed right-of-way) line.
 - (5) Access drives provided for drive-thru or pick up windows shall be long enough to store waiting vehicles on-site with a means to allow other vehicles to bypass the line of said waiting vehicles, i.e. single access drive width twenty (20) feet minimum; with an additional access drive available, twelve (12) feet minimum (see Figure 5-B).
 - (6) Commercial uses shall be required to provide cross access between abutting parcels for vehicular traffic.

Section A (continued)

- (d) Parking Lots and Location. Except in Agricultural Districts and on lots containing 1, 2, or 3 family dwellings, no parking lot or parking area shall be located nearer than five (5) feet to the side or rear lot line, or nearer than ten (10) feet to any public road right-of-way (or proposed right-of-way) line (see other requirements noted on Figure 5-A, including Table 5.1, and Figure 5-B). "Exit" or "Enter", signs, and the like, shall not interfere with visibility of motorist or pedestrians entering or leaving the property. Notwithstanding other provisions of these Regulations, each parking space shall be provided with sufficient back-up area to permit egress in one maneuver consisting of one backward movement and one forward movement. All parking spaces required herein shall be located on the same parcel or tract with the building or use served, except as provided for below:
- (1) Two (2) or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap only upon the approval of the County Zoning Inspector.
 - (2) The Board of Zoning Appeals may authorize, as a Conditional Use, the establishment and operation of any off-street parking area in such parts of any A-1 or "R" District that abut at least fifty (50) feet, either directly or across an alley, a "B", O-1, or I-1 District, subject to the requirements specified in Chapter 8, Section C.
 - (3) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring the retention for such purposes shall be properly drawn and executed by the parties concerned and approved as to form by a proper legal authority and shall be filed with the application for a building permit.
- (e) Screening / Landscaping. All off-street parking areas for more than five (5) vehicles shall be effectively screened on any side which abuts a lot in any Residential District or abuts a lot which contains a residential dwelling which is located within fifty (50) feet of the common lot line or abuts a lot containing an institutional premises, by a masonry wall or a solid fence of acceptable design with the exception of along the front lot line or along the street side lot line of a corner lot. Such wall or fence shall not be less than four (4) feet nor more than six (6) feet in height, and shall be maintained in good condition at all times without any advertising. The space between such wall or fence and the lot line of the adjoining premises as noted above shall be landscaped with grass, hardy shrubs, or evergreen ground cover, and maintained in good condition. In lieu of such wall or fence, a strip of land not less than fifteen (15) feet in width and planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height, or a combination of mounding and vegetation as approved by the Zoning Inspector, may be substituted and shall be maintained in good condition at all times. All areas not utilized for parking, access, buildings, or walkways shall be landscaped as approved by the Zoning Inspector. Landscaping shall not interfere with motorists visibility.

Section A (continued)

- (f) Minimum Distances of Setback. No part of any parking area, including access drives or driveways, for more than five (5) vehicles shall be closer than ten (10) feet to any dwelling, school, hospital, or other institution for human care located on an adjoining lot, unless screened by a solid masonry wall or fence of acceptable design as determined by the Zoning Inspector. The wall or fence shall be set back from each street, the same as if it were a building wall, so as to observe the front yard and side yard and the street side yard requirements of these Regulations. In no case shall any part of the parking area be closer than ten (10) feet to any established street or alley right-of-way, or any proposed right-of-way designated on the Official Thoroughfare Plan of Clark County. With exception of points of ingress and egress, as approved by the appropriate local, state, or federal agencies, this setback shall be in the form of a landscaped buffer upon which no permanent structure shall be located.
- (g) Lighting. Any lighting used to illuminate any off-street parking shall be so arranged as to deflect the glare away from adjoining premises in any Residential District or premises occupied by a residential dwelling and from traffic on adjacent thoroughfares.
- (h) Computation of Required Off-Street Parking Spaces. In computing the number of required spaces, the following rules shall govern:
 - (1) A floor area shall mean the gross floor area used or intended to be used, and shall not include areas used principally for storage or offices incidental to the management or maintenance of stores.
 - (2) In hospital, bassinets shall not be counted as beds.
 - (3) In stadiums, sports arenas, churches, and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty (20) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements for off-street parking facilities under these Regulations.
 - (4) In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as may be allowed as a Conditional Use, or as provided in part (d), (3) of this Section.
 - (5) Where fractional spaces result, the parking spaces required shall be construed to the nearest whole number.
- (i) Off-Street Parking Spaces Required for New Construction, Enlargement, Change in Occupancy. Whenever a building or use constructed or established after the enactment date of these Regulations is changed or enlarged in the floor area, the number of employees, number of dwelling units, seating capacity, or otherwise to create a need for a cumulative increase of ten (10) percent or more of the number of parking spaces that existed at the time of enactment of these Regulations, such spaces shall be provided on the basis of the enlargement or change. In case a change in the floor area, number of employees, number of dwelling units, seating capacity, or other unit of measurement creates a need for an increase of less than five (5) off-street parking spaces, none shall be required. When a building or use existing prior to the enactment date of these Regulations is enlarged to the extent of fifty (50) percent or more in the floor area or in the used, said building or use shall then and thereafter comply with the entire parking requirements.

Section A (continued)

- (j) Off-Street Parking Spaces Required for Uses Not Listed. Off-street parking requirements for any use not specified in these Regulations shall be the same as that specified for a similar Permitted Use, as determined by the Zoning Inspector.
- (k) Modification of Off-Street Parking Requirements. The Board of Zoning Appeals may authorize a modification, reduction, or waiver of the following off-street parking requirements if it should find that in the particular case appealed, the peculiar nature of the residential, business, industrial, or other use, or the exceptional shape or size of the real estate or other exceptional situation or condition would justify such modification, reduction, or waiver.

Section B - Specific Off-Street Parking Requirements [eff: 11-6-08]

Notwithstanding the requirements of this section, sufficient spaces must be provided to meet parking demand. For uses not listed herein, the number of parking spaces will be determined by the Zoning Inspector. Off-Street parking shall be provided in accordance with the schedule outlined below:

1. Assembly Halls and Dance Halls with temporary seats	1 space for every 100 square feet of floor space used for assembly or dancing
2. Assembly Halls, Theaters, Auditoriums, and Sports Arenas with fixed seats except for Schools	1 space for every 3 seats
3. Automotive Service Stations and/or Repair Garages	2 spaces for each service stall PLUS 1 space for each employee on the largest shift
4. Banks and Financial Institutions, Business Professional Offices except Medical and Dental Offices or Clinics	1 space for every 400 square feet of office space, but not less than 2 spaces per office
5. Bowling Alleys	5 spaces per bowling lane plus the required spaces as set forth in this Section for affiliated uses such as restaurants, bars, and the like
6. Churches and other similar places of worship or public assembly	1 space for every 8 seats in a main auditorium, OR 1 space for every 6 seats in churches and other places of worship
7. Day-care Centers and Nurseries	1 space for each employee 1 space for each 10 children. [eff: 3-29-90]
8. Single-Family Residences	2 spaces per dwelling unit
9. Housing for the Elderly	1 space per dwelling unit
10. All other residential uses	2 spaces per dwelling unit. [eff: 10-17-85]
11. Nursing Homes, Convalescent Homes, Rest Homes, Sanitariums, Children's Homes	1 space for every 6 residents PLUS 1 space for each employee on the largest shift
12. Fraternities and Sororities	1 space for every 3 beds
13. Funeral Homes and Mortuaries	4 spaces for each parlor, OR 1 space for every 50 sq. ft. floor area, whichever is greater
14. Furniture and Appliance Stores, Household Equipment or Furniture Repair Shops, over 1,000 sq. ft. in floor area	4 spaces PLUS 1 space for every 400 sq. ft. of floor area over 1,000 sq. ft.
15. Hospitals and Auxiliary Facilities	1 space for every 2 beds PLUS 1 space for every 2 employees on the largest shift

Section B (continued)

16. Motels and Hotels and Bed & Breakfast Facilities	1 space for each lodging unit PLUS 1 space per employee on the largest shift [eff: 3-29-90]
17. Industrial and Manufacturing Establishments	20 spaces PLUS 1 space for every 2 employees PLUS 1 space for each vehicle maintained on the premises
18. Medical and Dental Offices and Clinics	3 spaces for each examination room PLUS 1 space for each doctor or employee
19. Museums, Libraries, Community Facilities, operated by a public agency or government	1 space for every 300 sq. ft. of area open to the public
20. Eating and Drinking Places, Bars, Taverns, and Night Clubs	1 space for every 100 sq. ft. of net floor area
21. Retail Sales or Service Establishments	1 space for every 200 sq. ft. of net floor area
22. Schools - Primary Schools	1 space for every 25 classroom seats
- Secondary Schools, Institutions of Higher Learning, Trade Schools	1 space for every 5 students PLUS 1 space for each employee
23. Wholesale Establishments, Warehouse, Manufacturing Retail Outlets	20 spaces PLUS 1 space for every 2 employees on largest shift PLUS 1 space for each vehicle maintained on the premises

Section C - Design Standards for Off-Street Loading and Unloading [eff: 11-6-08]

1. Off-street loading/unloading spaces or berths shall be provided in connection with every building or part of a building which has a floor area greater than ten thousand (10,000) square feet, and normally receives or distributes material by vehicle.
2. Off-street loading requirements for any use not specified in these Regulations shall be the same as that specified for a similar Permitted Use, as determined by the Zoning Inspector.
3. No such loading/unloading shall be located closer than fifty (50) feet to any lot in an "R" District or any lot occupied by a residential dwelling unless wholly within a completely enclosed building or unless enclosed on all sides by a solid wall or fence not less than six (6) feet in height which shall be maintained in good condition at all times. An evergreen hedge or planting no less than six (6) feet in height may be substituted for a fence if maintained in good condition at all times.
4. Each loading space shall be not less than ten (10) feet in width, twenty- five (25) feet in length, and fourteen (14) feet in height.
5. Whenever a building or use constructed or established after the enactment date of these Regulations is changed or enlarged in the floor area, the number of employees, number of dwelling units, seating capacity, or otherwise to create a need for a cumulative increase of ten (10) percent or more of the number of loading and unloading spaces that existed at the time of enactment of these Regulations, such spaces shall be provided on the basis of the enlargement or change. When a building or use existing prior to the enactment date of these Regulations is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, said building or use shall then comply with the entire loading/unloading requirements.
6. All loading/unloading areas and adjacent aisles and driveways shall be paved with asphaltic material or cement.

Section D - Specific Off-Street Loading and Unloading Requirements

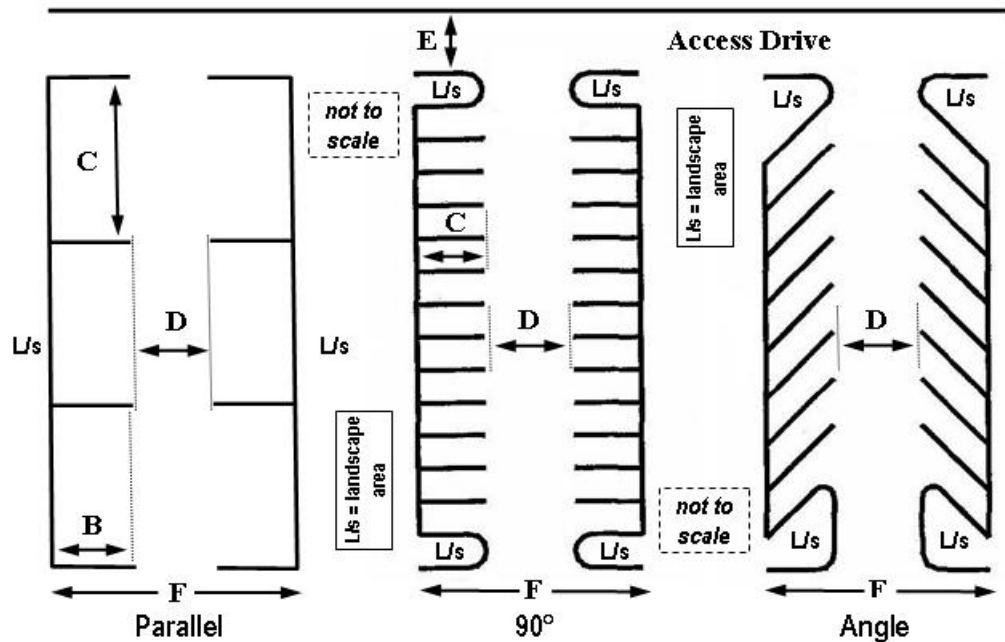
Off-street loading and unloading shall be provided in accordance with the schedule outlined below:

1. Retail/Service/Office Establishments	1	space in excess of the first 10,000 sq. ft. of floor area PLUS
	1	space for each additional 20,000 sq. ft. thereafter
2. Truck Terminal / Warehouse / Wholesale Establishment	1	space for each 7,500 sq. ft. of floor area
3. Industrial Plants	1	space for the first 10,000 sq. ft. of floor area PLUS
	1	space for each additional 20,000 sq. ft. thereafter

Parking Space, Drive & Aisle Dimensions

TABLE 5.1

A	B	C	D		E	F	
PARKING ANGLE	STALL WIDTH	LENGTH OF STALL	AISLE WIDTH		WIDTH OF ACCESS DRIVE	BAY WIDTH*	
			ONEWAY	TOWOY		ONE WAY	TWO WAY
0°	9 ft.	23 ft.	12 ft.	18 ft.	20 ft.	24 ft.	30 ft.
30° - 53°	9 ft.	18 ft.	13 ft.	20 ft.	20 ft.	42 ft.	49 ft.
54° - 75°	9 ft.	19 ft.	18 ft.	22 ft.	20 ft.	52 ft.	56 ft.
76° - 90°	9 ft.	18 ft.	22 ft.	24 ft.	20 ft.	58 ft.	60 ft.



Stacked parking is prohibited

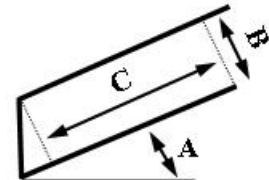
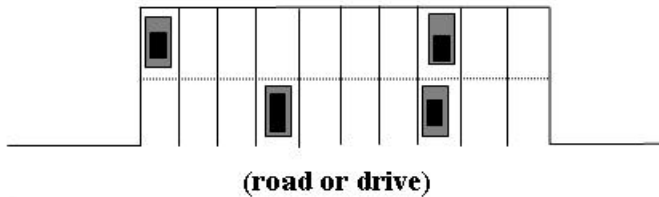


Figure 5-A

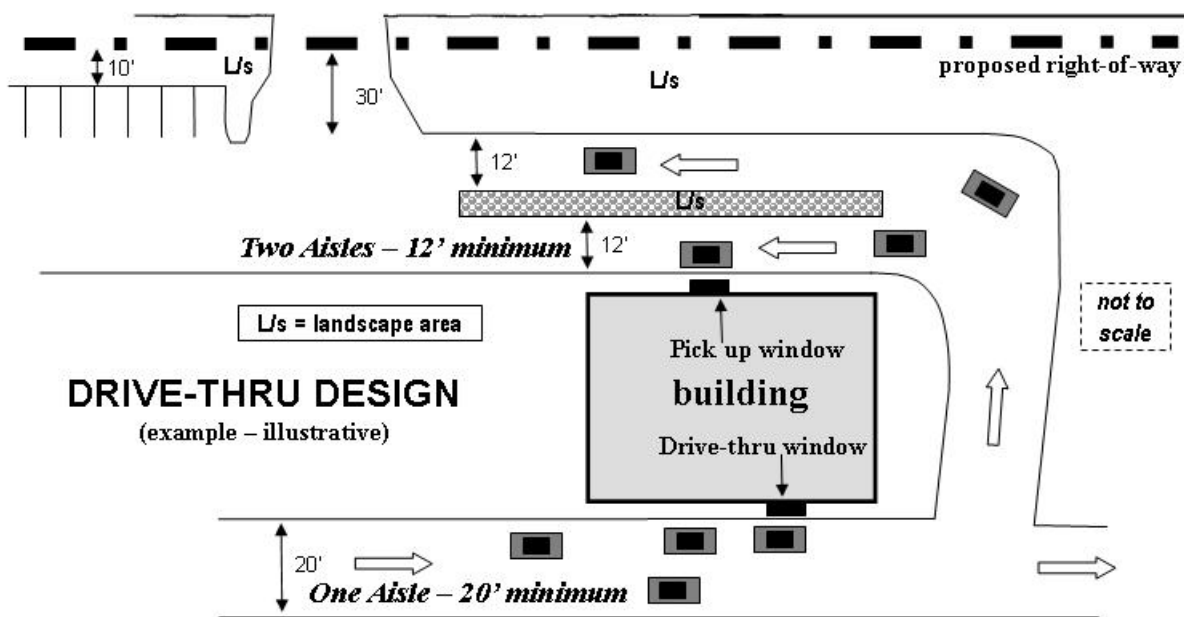
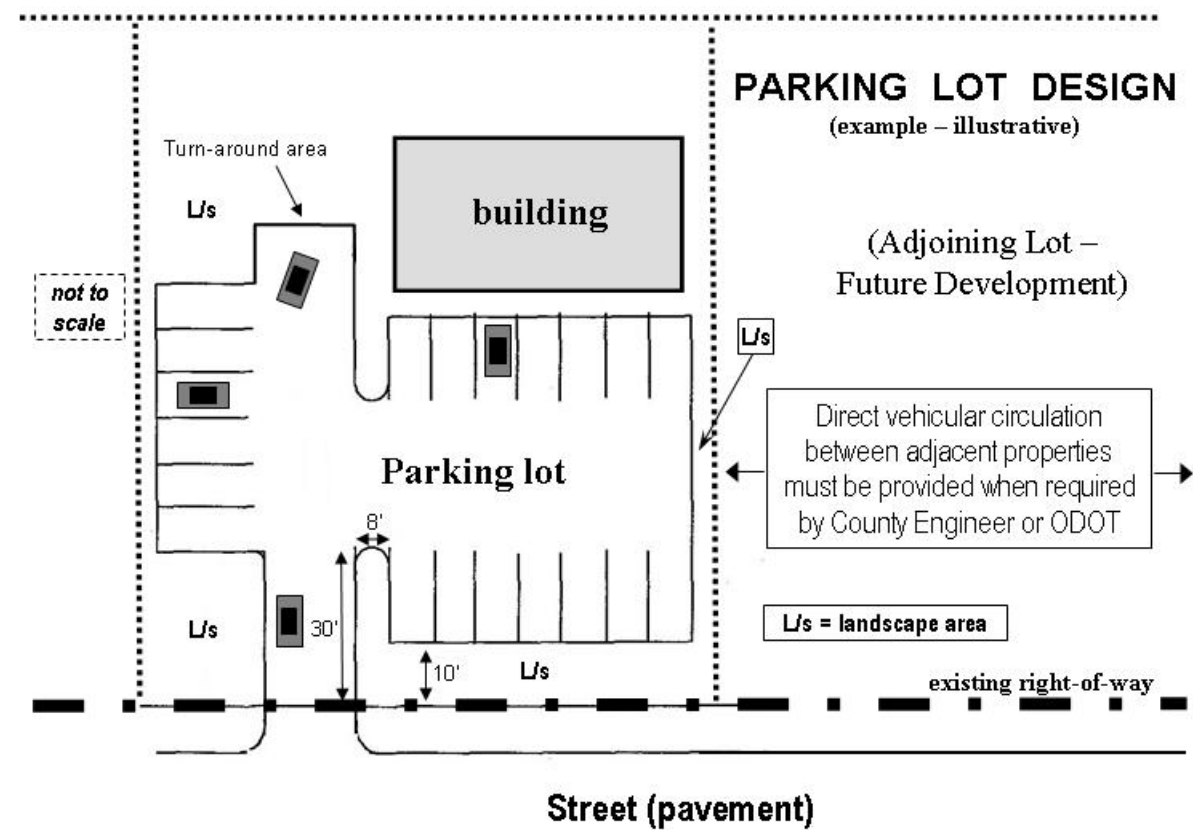


Figure 5-B

CHAPTER 6

SIGN AND BILLBOARD REGULATIONS

CHAPTER 6

SIGN AND BILLBOARD REGULATIONS

Section A - Permitted Signs for Which No Certificate is Required

The following signs shall be permitted in the unincorporated area of Clark County that is subject to these Zoning Regulations, according to the following regulations. No Zoning Certificate shall be required for any sign constructed or erected under the terms of this Section.

1. Signs for Sale, Lease, or Rent of the premises on which the sign is located. Not more than two (2) signs shall be displayed on any lot or parcel. Such signs shall not be illuminated and shall not exceed six (6) square feet of area per side with not more than two (2) sides, or signs of the same size identifying the builder or contractor. All such signs shall be removed within thirty (30) days after occupancy.
2. Vehicular Signs. Directional or other incidental signs pertaining to vehicular or pedestrian control on private property shall be permitted provided the said signs are located outside the right-of-way of any public street or road, do not exceed two (2) square feet of area per side, and do not interfere or obstruct visibility when entering or leaving said property.
3. Name and Address of Occupant of residential property. Such signs shall not be more than two (2) square feet in area per side and shall be located outside the right-of-way of any public road. Said sign shall not be higher than three (3) feet above the ground and not more than one (1) sign shall be permitted.
4. Temporary Signs announcing special public or institutional events. Such signs shall not exceed two (2) square feet in area per side in any "R" District, or twenty (20) square feet in area per side if relating to a church, school, community center, or other institutional or public building. Such signs shall not be permitted more than thirty (30) days prior to the planned event nor more than seven (7) days after said event, and no such sign shall be closer than twelve (12) feet to the right-of-way of any public road unless attached to the building.
5. Signs approved in Planned Development District. Plans of Development, provided that the approved sign is constructed in strict compliance with the approved guidelines.
6. Farm Signs denoting the name and address of the occupants, denoting produce or products for sale on the premises, and denoting membership in organizations. No more than one (1) sign of any type may be permitted and it shall be located at least forty (40) feet distant from the road right-of-way; provided, however, that if such sign is located within one hundred (100) feet of any principal building having a greater setback or front yard than required for such District, such sign shall not be erected nearer the road right-of-way than the established building line on such road, but need not exceed a distance of one hundred (100) feet, except that at the intersections of any state or federal highway, or major or secondary thoroughfare, the setback of any sign shall not be less than one hundred (100) feet from the established right-of-way line of each such highway or thoroughfare, unless erected on or adjacent to the wall of a building or other structure or in such other manner as not to interfere with or obstruct clear vision of the intersection in any direction. No such billboard or sign shall be permitted which faces the front or side lot line of, or which faces any public square, entrance to any public park, public or parochial school, library, church, or similar institution within three hundred (300) feet thereof. Advertising signs may not exceed thirty-two (32) square feet of area per sign and all other signs shall be limited to four (4) square feet in area per side.

Section A (continued)

7. Political Signs shall not be erected or posted in any A-1, R-1, R-1A, R-2, R-2A, R-2B, R-3, R-4, R-MHP or PUD District promoting any candidate or candidates seeking nomination or election or the passage of any issue in any general, primary or special election sooner than ninety (90) days immediately preceding the day of the election in which such candidate is seeking nomination or election or in which such an issue is to be decided. All such signs as are erected not in violation of the preceding portion of this paragraph shall be removed within fifteen (15) days following the date of such election. Provided, however, that such signs shall not be affixed to any pole or post owned by the County or by any public utility nor may such signs be placed upon lands owned by the County. [eff: 2-14-85]

Section B - Permitted Signs for Which a Certificate is Required

The following signs shall be permitted in the unincorporated area of Clark County that is subject to these Zoning Regulations, according to the following regulations. Zoning Certificate shall be required for any sign constructed or erected under the terms of this Section.

1. Signs for Home Occupations. One (1) on-premise sign per lot shall be permitted for the purpose of announcing a home occupation. Such signs shall not be illuminated and shall not exceed two (2) square feet in area and shall be attached to the dwelling. No off-premise signs shall be permitted. [eff: 3-29-90]
2. Off-Premise Signs. Advertising a product or service not located upon the premises on which the sign is located shall be classified as a business use and shall be permitted in all Business Districts, the Industrial District, and/or lands used for agricultural purposes subject to regulations set forth herein.
 - (a) Off-premise signs located adjacent to and intended for primary visibility on any street, road or highway in the unincorporated area of Clark County, shall not exceed one sign face with a total of one thousand two hundred (1200) square feet, or two sign faces exceeding a total of one thousand two hundred (1200) square feet on any single lot or location, excluding supports, decorative trim, or other embellishments. [eff: 3-29-90]
 - (b) Off-premise signs shall conform to all applicable height regulations for the appropriate zoning district, except off-premise signs located along the interstate system may be constructed at a greater height in accordance with the provisions contained in Chapter 5516 of the Ohio Revised Code. [eff: 3-29-90]
 - (c) No off-premise sign shall be constructed closer than 350' to another off-premise sign located on the same side of any thoroughfare in the unincorporated area of Clark County, unless the natural terrain or other obstructions prevents both signs from being seen at the same time along the main travelway. Off-premise signs along the Interstate System shall be separated by no less than 800' from any other off-premise sign on the same side of the highway.
 - (d) Off-premise signs shall not be located closer to the public right-of-way than the established building set-back requirements of the district in which the sign is located.
 - (e) No off-premise sign site shall have more than two displays facing in the same direction of the main travelway.

Section B (continued)

3. On-Premise Signs. Free standing, building mounted, or ground signs identifying or advertising commercial or industrial uses on the premises. If the signs are located within the Planned Commercial Development District or are erected pursuant to a Conditional Use, the location of said signs must be in strict compliance with the Development Plan or Conditional Use requirements, in addition to any restrictions imposed herein.
 - (a) No more than one (1) free standing or ground sign shall be provided for each business use, and in no case shall a lot contain more than three (3) free standing or ground signs. [eff: 3-29-90]
 - (b) No free standing, ground, or building mounted sign shall have a surface area of greater than one hundred (100) square feet per side. [eff: 3-29-90]
 - (c) No business, industry, or use shall maintain a gross sign area exceeding three hundred (300) square feet on the premises. [eff: 3-29-90]
 - (b) Free standing on-premise signs shall not exceed thirty-five (35) feet in height or the height of the principal building in the respective zoning district, whichever is the greater height. [eff: 3-29-90]
 - (e) Free standing or ground signs shall not be located closer than twelve (12) feet to any existing or proposed street right-of-way, and not closer than thirty (30) feet to any adjoining lot line. [eff: 3-29-90]
4. Portable Signs. Portable signs announcing a special event or advertising a product or service. Such signs shall be considered a Temporary Use and shall be permitted subject to regulations set forth herein.
 - (a) All signs shall be located in compliance with all state and federal regulations controlling the same.
 - (b) Such signs shall not be permitted for more than a total of ninety (90) days per calendar year.
 - (c) Said signs shall be located outside the right-of-way limits of the road and shall not interfere with the visibility of vehicular traffic either entering or leaving any property or entering, leaving, or operating on any thoroughfare.
 - (d) No illumination device shall be used which causes unnaturally high light levels to be cast upon adjacent residential lots, or which permits the direct beaming of light onto adjacent thoroughfares thereby creating a hazard to vehicular traffic. The lighting requirements contained in Section D of this Chapter shall apply.
 - (e) Said signs are capable of posting and removal without destruction of public or private property.

Section C - Prohibited Signs and Billboards

The following signs shall be prohibited in the unincorporated area of Clark County:

1. All signs not specifically permitted by the express terms of these Regulations.

Section C (continued)

2. Signs or advertising devices erected and maintained on trees or painted or drawn upon rocks or other natural features.
3. Signs characterized by flashing lights or air-activated attraction devices, except for signs indicating time and temperature which operate by means of lighting changes alternating on not less than a five (5) second cycles.
4. Except for identification signs on agricultural buildings, no sign or billboard shall be painted directly upon the wall or roof of any building or structure. This restriction shall not restrict the use of aesthetic graphics such as murals or other illustrative or decorative paintings that are intended to be cosmetic devices.
5. No sign or billboard shall be painted on or attached to any awning, canopy, or balcony. No sign shall be attached to any fence within the right-of-way of any road, and no sign shall be attached to any board or wooden fence regardless of location without the permission of the owner of the fence.
6. Signs or advertising devices which attempt or appear to attempt to direct the movement of traffic, or which interfere with, imitate, or resemble an official sign, signal, or device.

Section D - Design Standards for Signs and Billboards

The following design standards shall apply to all signs and billboards located and erected within the unincorporated area of the County, regardless of type, style, location, design, or other classification.

1. Location. No sign shall be located within or project over the right-of-way of any public or private road. No sign shall be erected or maintained within six hundred sixty (660) feet of the edge of the right-of-way of a thoroughfare on the interstate or primary highway system without complying with the provisions of Chapter 5516 of the Ohio Revised Code, and the regulations promulgated and enforced by the Director of the Ohio Department of Transportation, and the regulations specified herein. No sign in a "B", O-1, or I-1 District shall face the side of any adjoining lot located in any "R" District unless the sign is located not less than fifty (50) feet from the lot. Said sign or signs shall be located in strict compliance with these Regulations, in strict compliance with the approved Development Plan or restrictions imposed by the Board of Zoning Appeals.
2. Lighting
 - (a) Signs may be illuminated when such sign does not constitute a public safety or traffic hazard. Where illumination is provided it shall be placed or directed so as not to permit the illumination therefrom to be directed or beamed upon adjacent property or public street.
 - (b) No illuminated sign shall be constructed which will interfere with the operation or safety of any traffic control signal.
 - (c) No flashing, rotating, or moving light source shall be permitted on any sign.
 - (d) All wiring, fittings, and material used in the construction, connection and operation of signs shall be in accordance with the provisions of the Building Code. [eff:3-29-90]

Section D (continued)

3. Height. No sign shall be erected to a height greater than the maximum permitted height for the District in which the sign is located, except that signs located within six hundred sixty (660) feet of the edge of the right-of-way of a thoroughfare on the interstate highway system may be erected to a greater height, as may be specified by the Director of the Ohio Department of Transportation or his/her authorized representative, in accordance with the provisions contained in Chapter 5516 of the Ohio Revised Code.
4. Sight Interference. No sign shall be permitted which interferes with the visibility of pedestrian or vehicular traffic entering, leaving, or operating on thoroughfares.
5. Maintenance. All signs or billboards constructed or erected shall be maintained so that all sign surfaces, supports, braces, guys, and anchors shall be kept in repair and in a proper state of preservation by painting or otherwise.
6. Abandoned Signs
 - (a) If any sign or billboard shall become abandoned, in the manner defined herein, such a sign or billboard is declared to be a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and blighting influence on nearby properties.
 - (b) A sign or billboard is abandoned if it meets any one (1) of the following criteria:
 - (1) Any sign or billboard associated with an abandoned Non- conforming Use.
 - (2) Any sign or billboard that remains after the termination of a business. A business has ceased operations if it is closed to the public for at least one hundred and eighty (180) consecutive days. Seasonal businesses are exempted from this determination.

Section E - Non-Conforming Signs and Billboards

1. Any sign or billboard in existence within the unincorporated area of the County prior to the effective date of these Regulations that does not conform with the provisions of this Chapter is considered to be Non- conforming.
2. Any sign or billboard that does not conform to the provisions of this Chapter shall be allowed to continue in its Non-conforming status provided the sign or billboard was erected in compliance in all respects with applicable laws in existence on the date of its erection.
3. A Non-conforming sign or billboard shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Chapter. Should any replacement or relocation take place without being brought into compliance the sign or billboard shall be existing illegally.
4. A Non-conforming sign or billboard shall be maintained or repaired in accordance with the following provisions:
 - (a) The size and structural shape shall not be changed or altered.

Section E (continued)

- (b) The copy may be changed provided that the change applies to the original Non-conforming Use associated with the sign or billboard and that the change is made by the owner of the sign or billboard at the time the sign or billboard became Non-conforming; the copy area shall not be enlarged. Any subsequent owner or user shall bring the sign or billboard into compliance.
- (c) In the case where damage occurs to the sign or billboard to the extent of fifty (50) percent or more of either the structure or the replacement value of the sign or billboard, the sign or billboard shall be brought into compliance. Where the damage to the sign or billboard is less than fifty (50) percent of the structure or its replacement value, the sign or billboard shall be repaired within sixty (60) days.

Section F - Certificate Required

No signs, except as provided for in Section A of this Chapter, shall be erected prior to the issuance of a Zoning Certificate by the County Zoning Inspector.

1. The applicant for a Zoning Certificate herein shall pay such fee as is prescribed by the Board of County Commissioners.
2. The Zoning Certificate issued pursuant hereto shall be valid so long as the owner complies with the terms and conditions of these Zoning Regulations or any amendment thereto.
3. The application for a Zoning Certificate for posting a sign or billboard that is considered a Temporary Use shall indicate the name and address of the person charged with removal of the sign or billboard.
4. All signs and billboards erected within the unincorporated area of the County are subject to inspection, whether a Zoning Certificate is required or not prior to erection. Such inspection may be made at any reasonable time and the County Zoning Inspector may order the removal of any sign or billboard that is not maintained in accordance with the provisions of these Regulations.
5. In the event that the owner of any sign or property fails to comply with the terms of these Zoning Regulations, said permit may be revoked upon compliance with the following terms:
 - (a) The County Zoning Inspector shall notify the owner of any deficiency or violation of these regulations. Notice shall be served personally or by ordinary mail at the last known address of the permit holder. The permit holder may seek a hearing on said notice by complying with the provisions of Chapter 9 of these Regulations. Failure to correct deficiencies or to appeal the decision of the Zoning Inspector within twenty (20) days will result in cancellation of the permit for such sign and said sign shall then be removed as provided by these Regulations.
6. The County Zoning Inspector may effect removal of any sign illegally placed within the right-of-way of any road within the unincorporated area of the County. The Zoning Inspector shall maintain said sign and shall notify the owner thereof of its location, by ordinary mail. If the owner of any sign fails to claim the same within one hundred eighty (180) days after mailing of notice by the Zoning Inspector, said sign may be destroyed.

Section G - General Requirements [eff: 3-29-90]

1. No projecting sign shall be erected or maintained from the front face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel, or motel marquee.
2. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.
3. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices.
4. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
5. All signs hung or erected shall be marked with the name and the telephone number of the person or firm responsible for maintaining the signs.
6. No vehicle or trailer may be parked on a business premises or a lot for the purpose of the advertising a business, product, service, event, object, location, organization, or the like.

Section H - Governmental Signs Excluded [eff: 3-29-90]

1. For the purpose of these regulations, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance or governmental regulation.

CHAPTER 7

REGULATIONS FOR CONDITIONED AND CONDITIONAL USES

CHAPTER 7

REGULATIONS FOR CONDITIONED AND CONDITIONAL USES

Section A - Procedure

1. The purpose of a Conditional or Conditioned Use is to allow a proper integration into the County of uses which may only be suitable or controlled in specific locations within certain Zoning District(s) or only if such uses are designed or laid out in a particular manner on the site. [eff: 3-29-90]
2. Applications for Conditional Uses shall be presented to the Zoning Inspector and acted upon by the Board of Zoning Appeals.
3. Approval by the Board of Zoning Appeals shall be required for all uses listed as Conditionally Permitted, prior to the issuance of a Zoning Certificate.
4. In considering an application for a Conditional Use, the Board of Zoning Appeals must make an affirmative finding that the proposed Conditional Use is to be located in a District wherein such use may be Conditionally Permitted, and that all conditions for approval of Conditional Uses have been met. In doing so, the Board of Zoning Appeals may request proof that the applicable requirements for the Conditional Use have been met.
5. The Board of Zoning Appeals shall give due regard to the nature and condition of all adjacent uses and structures and the consistency therewith of the proposed Conditional Use and any potential nuisances.
 - (a) An application for a Conditional Use shall be made to the Zoning Inspector and submitted on such forms as designated and/or approved by the Board of County Commissioners. No application shall be considered unless the same is fully completed and accompanied by all required information on said application, as specified in this Chapter.
 - (b) The application, and any plans, specifications, and papers pertaining to the application, shall be transmitted by the Zoning Inspector to the Board of Zoning Appeals, who shall cause a public hearing to be held.
 - (c) Notice of the application for a Conditional Use and the hearing thereon shall be given to all property owners within two hundred (200) feet of the premises on which the use is planned. Notice shall be given by ordinary mail. In addition thereto one (1) notice of said meeting shall be published in a newspaper of general circulation prior to the scheduled hearing. The Board of Zoning Appeals may, in accordance with its rules, require the giving of additional notice and specify the manner in which the same shall be given. At the hearing, any party may appear in person or be represented by an attorney.
6. The Board of Zoning Appeals shall make its decision within a reasonable time after the hearing. In the event the Board approves the Conditional Use, it may impose such reasonable conditions as it deems necessary to insure that the use will be conducted in the best interest of the Zoning District.

Section A (continued)

7. The Board of Zoning Appeals may revoke approval of a Conditional Use for failure to comply with the conditions of that approval. The Board shall notify the holder of that approval by certified mail of its intent to revoke same and of the holder's right to a hearing before the Board, within thirty (30) days of the receipt of said notice, if he/she so requests. In lieu of said certified mail service, service may be made personally by the Zoning Inspector in which case the hearing shall be requested within thirty (30) days after such service. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person or be represented by his/her attorney or other representative, or he/she may present his/her position in writing. He/she may present evidence and may examine witnesses appearing for or against him/her. If no hearing is requested the Board may revoke approval without a hearing. The authority to revoke approval is in addition to any other means of zoning enforcement provided by law.

Section B - Contents of Application

1. Each application for a Conditional Use shall contain the following information:
 - (a) The name, address, and telephone number of the applicant;
 - (b) A brief narrative description of the existing use of the property;
 - (c) A description by metes and bounds of the property in question;
 - (d) A statement indicating the zoning of the property;
 - (e) A brief, narrative description of the proposed Conditional Use of the property;
 - (f) A site plan, drawn at an appropriate scale, showing the following:
 - (1) Base map of the property, indicating all existing and proposed structures, lot lines, general topography, drainageways, bodies of water, and relationship to adjoining properties;
 - (2) Locations of the nearest public rights-of-way and locations of all access points to the site, existing or proposed;
 - (3) Locations of any easements, existing or proposed;
 - (4) Locations of existing utilities and an indication of intent to provide any utility connections that may be required;
 - (5) Locations of any existing or proposed sidewalks, parking areas, and driveways showing intent to comply with all parking requirements specified by these Regulations;
 - (6) Proposed treatment of existing topography, drainageways, and tree cover;
 - (7) Building plans, including floor plans and exterior elevations; and
 - (8) Proposed landscaping and lighting plans, if applicable;

Section B (continued)

- (g) A list of all landowners whose property falls within two hundred (200) feet of any point along the boundary of the property in question; and
- (h) Such other information as may be required by the Zoning Inspector or the Board of Zoning Appeals.
- (i) An application for a Conditional Use to extract resources and/or minerals shall contain the additional information as specified in Section 129 of this Chapter.
- (j) The Zoning Inspector may waive the required submission of Subsections b, c, and f above if he/she feels that their inclusion in any individual application is unnecessary.

Section C - Required Conditions for Approval

- 1. The following Sections contain additional required conditions to be met by an applicant for a Conditional Use. In addition to meeting the subsequent required conditions for Conditional Uses, all applicants for Conditional Uses shall be required to fully comply with any and all other applicable provisions of these Regulations, including specifically the requirements of Chapter 8, Sections A and E.

Section 100 - Regulations for Adult Entertainment Establishments

- 1. Zoning District Where Conditionally Permitted:
 - (a) B-4 Heavy Business District
 - (b) I-1 Industrial District [eff: 3-29-90]
- 2. The establishment shall be a minimum distance of:
 - (a) One thousand (1,000) feet from any "R" District or from any lot upon which a residential dwelling is located.
 - (b) One thousand (1,000) feet from any school, library, or teaching facility, whether public, private, governmental, or commercial, if such school, library, or teaching facility is attended by persons under eighteen (18) years of age.
 - (c) One thousand (1,000) feet from any park or other recreation facility attended by persons under eighteen (18) years of age.
 - (d) One thousand (1,000) feet from any other adult entertainment establishment.
 - (e) Two thousand (2,000) feet from any two (2) of the following establishments:
 - (1) Cabarets, clubs, or other establishments which feature topless or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers;
 - (2) Establishments for the sale of beer or intoxicating liquor for consumption on the premises;

Section 100 (continued)

- (3) Pawn shops;
 - (4) Pool or billiard halls;
 - (5) Videogame or pinball arcades, or any other amusement game arcade; or
 - (6) Dance halls or discotheques.
 - (f) One thousand (1,000) feet from any church, synagogue, or other permanently established place of worship or religious services which is attended by persons under eighteen (18) years of age.
- 3. No advertisements, displays, or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.
 - 4. All building openings, entries, windows, etc. shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk, or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.
 - 5. No screens, loudspeakers, or sound equipment shall be used for adult motion picture theaters that can be seen or discerned by the public from public or semi-public areas.
 - 6. Off-street parking shall be provided in accordance with the requirements of Chapter 5, and in an amount equal to that required for a similar Permitted Use, as determined by the Board of Zoning Appeals.
 - 7. Subsection 2 above, may be waived by the Board of Zoning Appeals provided that the applicant provides affidavits of fifty-one (51) percent of the property owners and residents within the above described radii, giving their consent to the establishment of the adult entertainment establishment, and if the Board of Zoning Appeals determines:
 - (a) That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the intent of this Section will be observed;
 - (b) That the proposed use will not enlarge or encourage the development of a skid row or similar depressed area;
 - (c) That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal, residential or commercial reinvestment, or renovation of a historical area; and
 - (d) That all applicable requirements of this Section will be observed.

Section 101 - Regulations for Agricultural-Related Processing and Marketing

- 1. Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]
 - (a) A-1 Agricultural District

Section 101 (continued)

2. Minimum Lot Size: One (1) acre.
3. Minimum Frontage: One hundred fifty (150) feet.
4. Minimum Yard Requirements:
 - (a) Front Yard: Fifty (50) feet. [eff: 3-29-90]
 - (b) Side Yard: Thirty (30) feet.
 - (c) Rear Yard: Fifty (50) feet.
5. Structures used for agricultural-related processing and/or related storage shall be a minimum distance of:
 - (a) One hundred fifty (150) feet from any dwelling.
 - (b) One hundred (100) feet from any "R" District.
6. The site shall have adequate access onto a hard surfaced state highway, or county or township road, that is regularly maintained and adequate to handle the additional traffic generated by the use.
7. Adequate parking shall be provided so as not to interfere with vehicular traffic on adjacent thoroughfares.
8. The applicant shall demonstrate that the proposed operations will not be detrimental to the vicinity or surrounding properties.
9. No outdoor disassembly or repair of farm machinery shall be permitted.
10. All equipment used in the processing operations shall be constructed, maintained, and operated in such a manner as to eliminate so far as practical, noise, vibration, or dust which would injure or annoy persons living in the vicinity.
11. All exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any adjoining property in an "R" District or any adjoining dwelling in an A-1 District.

Section 102 - Regulations for Airports

1. Zoning District Where Conditionally Permitted:
 - (a) A-1 Agricultural District
2. The applicant shall demonstrate that the proposed operations will not be detrimental to the vicinity or surrounding properties.
3. The proposed facility shall meet the appropriate standards and requirements of the Federal Aviation Administration.
4. The airport, in accordance with the standards and requirements of the Federal Aviation Administration, will not require the heights of structures on adjacent land to be less than the height limit specifically prescribed for the District in which such land is situated.

Section 102 (continued)

5. All runways and service aprons shall have a dustless surface.
6. No area used by any aircraft under its own power shall be located within a distance of two hundred (200) feet from any property line; one thousand (1,000) feet from any public or private institution; or one thousand (1,000) feet from any "R", "B", or O-1 District on the approach and departure ends of the runway. Buildings, hangars, or other structures shall be at least two hundred (200) feet from any property line and no parking of vehicles shall be allowed within one hundred (100) feet of any property line.
7. The Board of Zoning Appeals may require that the facility be surrounded by a substantial fence not less than six (6) feet in height, with suitable gates, effectively controlling access to such area.
8. Appropriate accessory uses may be permitted, such as restaurants, snack bars, auto rental agencies, airline business offices, and service facilities.
9. Adequate off-street parking and loading spaces shall be provided.

Section 103 - Regulations for Animal Hospitals, Veterinary Clinics, and Kennels

1. Zoning Districts Where Conditionally Permitted:
 - (a) A-1 Agricultural District
 - (b) B-2 Community Business District [eff: 4-4-96]
2. Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]
 - (a) B-3 General Business District
 - (b) B-4 Heavy Business District
 - (c) I-1 Industrial District
3. Principal Permitted Uses:
 - (a) The care of ill and/or injured household animals.
 - (b) The overnight boarding of ill and/or injured household animals.
 - (c) The overnight boarding of healthy household animals.
 - (d) The sale of goods used in the care of household animals.
4. The care or overnight boarding of large animals such as horses or cattle is prohibited in any Zoning District except the A-1 District.
5. All activities other than off-street parking and loading/unloading shall be conducted within a fully enclosed structure.

Section 103 (continued)

6. A solid wood fence or masonry wall six (6) feet high shall be constructed where an animal hospital, veterinary clinic, or kennel is located adjacent to an "R" District. The applicant shall also meet the requirements of Chapter 8, Section E.
7. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any adjacent property or any adjacent public street.

Section 104 - Regulations for Automotive Repair Garages

1. Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]
 - (a) B-2 Community Business District
 - (b) B-3 General Business District
 - (c) B-4 Heavy Business District
 - (d) I-1 Industrial District
2. There shall be two (2) separate driveways located along the frontage(s) providing both ingress and egress to and from the property. These separate driveways shall have a minimum distance of twenty (20) feet between them, and shall not exceed thirty (30) feet in width at the curblane, nor twenty-four (24) feet in width at the property line. No such driveway shall be located closer than twenty-five (25) feet to an adjacent property line in a Residential District, nor ten (10) feet to an adjacent property line in any other Zoning District; and on corner lots shall not be located closer than thirty (30) feet to the intersection of the right-of-way lines of the two (2) streets.
3. All repair garage buildings shall have a minimum front yard depth of fifty (50) feet, and all gasoline pumps shall be set back a minimum distance of twenty (20) feet from the front property line. [eff: 3-29-90]
4. The entire lot area, exclusive of the area covered by the garage structure or planting areas, shall be paved. [eff: 3-29-90]
5. The light from the exterior lighting shall be so shaded, shielded, or directed that the light intensity or brightness shall not be objectionable to surrounding areas.
6. No outdoor disassembly or repair of motor vehicles shall be permitted. Storage of rental trucks, trailers, or other motor vehicles shall not be permitted in the front yard. [eff: 3-29-90]
7. Storage of motor vehicles shall be permitted on the premises for periods of time not exceeding seven (7) days unless stored entirely within an enclosed building. [eff: 3-29-90]
8. A solid fence, wall, or evergreen hedge six (6) feet high shall be constructed or planted where the garage or storage area is located adjacent to a Residential District or lot containing a dwelling. [eff: 3-29-90]

Section 105 - Regulations for Bars and Taverns

1. Zoning Districts Where Conditionally Permitted:
 - (a) B-2 Community Business District
 - (b) B-3 General Business District
 - (c) B-4 Heavy Business District [eff: 3-29-90]
 - (d) I-1 Industrial District [eff: 3-29-90]
2. No bar or tavern shall be located closer than one hundred fifty (150) feet from a church, school, or similar institution.
3. An assessment shall be made of the probable effects of the proposed facility's parking provisions and evening operations on the surrounding area.
4. Lot frontage, size, and building setbacks and height: [eff: 11-6-08]
 - MINIMUM LOT FRONTAGE - 100' (Subject to FOOTNOTE 1 - CHAPTER 2, SECTION H)
 - MINIMUM LOT AREA - 15,000 Sq. Ft. (Subject to FOOTNOTE 1 - CHAPTER 2, SECTION H)
 - MINIMUM FRONT YARD SETBACK - 50'
 - MINIMUM SIDE YARD SETBACK - 25'
 - MINIMUM REAR YARD SETBACK - 50'
 - MAXIMUM BUILDING HEIGHT - 35'

Section 106 - Regulations for Building Materials Sales Yards

1. Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]
 - (a) B-3 General Business District
 - (b) B-4 Heavy Business District
 - (c) I-1 Industrial District
2. Immediate access to a major thoroughfare shall be required.
3. All storage that is not totally enclosed within a building shall be enclosed with a six (6) foot fence and gate that provides both security and a visual barrier. Where this outdoor storage is located adjacent to an "R" District, there shall be planted along the outside face of the required fencing mature evergreens at thirty (30) foot intervals.

Section 107 - Regulations for Car Washes

1. Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]
 - (a) B-2 Community Business District
 - (b) B-3 General Business District
 - (c) B-4 Heavy Business District
 - (d) I-1 Industrial District

Section 107 (continued)

2. All washing facilities shall be included entirely within an enclosed building except that entrance and exit doors may be left open during the hours of operation.
3. Vacuuming and/or steam cleaning equipment may be located outside, but shall not be placed in the front yard, a side yard facing a street, or in any yard adjoining an "R" District. Mechanical drying equipment and/or hand drying of motor vehicles must be performed on the premises.
4. A hard-surfaced exit drive not less than forty (40) feet in length shall be provided between the exit doors and the street.
5. A solid fence, wall, or hedge six (6) feet high shall be required when a car wash is adjacent to an "R" District.
6. The following hard-surfaced, dust-free, off-street parking shall be provided:
 - (a) Six (6) waiting spaces and two (2) storage spaces for each car washing device or stall; or ten (10) off-street waiting spaces for an assembly line type washing establishment where vehicles await entrance to the washing process;
 - (b) Two (2) employee parking spaces for every three (3) employees; and
 - (c) Two (2) parking spaces at the exit end of each washing bay for drying and hand finishing of vehicles.

Section 108 - Regulations for Cemeteries

1. Zoning Districts Where Conditionally Permitted:
 - (a) A-1 Agricultural District
 - (b) R-1 Rural Residence District
2. Minimum Site Size: Three (3) acres.
3. Immediate access to a major thoroughfare shall be required.

Section 109 - Regulations for Churches and Similar Places of Worship

1. Zoning Districts Where Conditionally Permitted: [eff: 6-13-02]
 - (a) All Districts
2. Immediate access to a public thoroughfare shall be provided by at least two (2) entrance/exits.
3. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent public thoroughfare.

Section 109 (continued)

4. Lot frontage, size, and building setbacks and height: [eff: 11-6-08]
MINIMUM LOT FRONTAGE - 100' (Subject to FOOTNOTE 1 - CHAPTER 2, SECTION H)
MINIMUM LOT AREA - 15,000 Sq. Ft. (Subject to FOOTNOTE 1 - CHAPTER 2, SECTION H)
MINIMUM FRONT YARD SETBACK - 50'
MINIMUM SIDE YARD SETBACK - 25'
MINIMUM REAR YARD SETBACK - 50'
MAXIMUM BUILDING HEIGHT - 35'

Section 110 - Regulations for Commercial Recreation Establishments

1. Zoning Districts Where Conditionally Permitted:
 - (a) B-1 Neighborhood Business District

Zoning Districts Where Permitted as Conditioned Use: [eff: 4-4-96]

 - (a) B-2 Community Business District
 - (b) B-3 General Business District
 - (c) B-4 Heavy Business District
 - (d) I-1 Industrial District
2. All activities associated with a commercial recreation establishment shall be conducted within a completely enclosed building, with the exception of off-street parking and loading/unloading.
3. A solid fence, wall, or hedge six (6) feet high shall be constructed where a commercial recreation establishment is located adjacent to an "R" District. The applicant shall also meet the requirements of Chapter 8, Section E.
4. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any adjacent property or any adjacent public street.
5. No commercial recreation establishment shall have the effect of causing any increase in noise, litter, or vehicular or pedestrian traffic on any adjacent residential properties or uses of land.

Section 111 - Regulations for Community Facilities

1. Zoning Districts Where Conditionally Permitted: [eff: 3-29-90]
 - (a) R-4 Multiple-Family Residence District
2. Community facilities shall be of a cultural, educational, recreational, administrative, or service type, and shall not include repair garages, storage yards, repair yards, or warehouses.
3. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent public thoroughfare.

Section 111 (continued)

4. An assessment shall be made of the probable reuse of the facility for non- public purposes in the future, with special consideration given to how facility design might limit preferred reuse alternatives.
5. Swimming pools, where applicable, shall conform to the enclosure requirements contained in Chapter 8, Section H.
6. In determining approval or denial, the Board of Zoning Appeals shall consider the appropriateness of facility size relative to use, access, screening, and buffers; and the effect of noise, light, and dust on adjoining property.

Section 112 - Regulations for Day-Care Centers

1. Zoning District Where Conditionally Permitted:
 - (a) A-1 Agricultural District
 - (b) R-4 Multiple-Family Residence District
 - (c) B-1 Neighborhood Business District [eff: 4-4-96]
 - (d) B-2 Community Business District [eff: 4-4-96]
 - (e) B-3 General Business District [eff: 4-4-96]
 - (f) B-4 Heavy Business District [eff: 4-4-96]
 - (g) I-1 Industrial District [eff: 4-4-96]
2. A drop-off area shall be provided at the main entrance to the facility sufficient to accommodate four (4) automobiles.
3. A maximum of one hundred (100) children shall be permitted in all areas not provided with public water. [eff: 3-29-90]
4. There shall be provided a minimum outdoor play area of sixty (60) square feet per child enrolled in the facility. [eff: 3-29-90]
5. All outdoor play areas shall be enclosed by a six (6) foot fence which shall be maintained in good condition and constructed so as to preclude penetration by any person. [eff: 3-29-90]
6. In all R-Districts, operating hours shall be limited to 6:00 a.m. to 9:00 p.m. [eff: 3-29-90]
7. The maximum percentage of site coverage by all principal and accessory buildings and outdoor play areas shall be seventy-five (75) percent. [eff: 3-29-90]

Section 113 - Regulations for Drive-In Motion Picture Theatres

1. Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]
 - (a) B-3 General Business District
 - (b) B-4 Heavy Business District
 - (c) I-1 Industrial District
2. Immediate access to a major thoroughfare shall be required, and points of ingress and egress shall be provided only from such thoroughfare.
3. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space. No vehicles shall be permitted to wait or stand within a dedicated right-of-way.
4. The area shall be arranged so as to prevent the motion picture screen from being viewed from residential areas or adjacent major or secondary thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within and directed onto the premises of the drive-in theatre site.
5. Lot frontage, size, and building setbacks and height: [eff: 11-6-08]
 - MINIMUM LOT FRONTAGE - 200'
 - MINIMUM LOT AREA - 3 acres
 - MINIMUM FRONT YARD SETBACK - 75'
 - MINIMUM SIDE YARD SETBACK - 30'
 - MINIMUM REAR YARD SETBACK - 70'
 - MAXIMUM BUILDING HEIGHT - 35'

Section 114 - Regulations for Drive-In Restaurants, Fast Food Restaurants, Carry-Out Restaurants, and/or Drive-Through Retail Establishments

1. Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]
 - (a) B-2 Community Business District
 - (b) B-3 General Business District
 - (c) B-4 Heavy Business District
 - (d) I-1 Industrial District
2. There shall be two (2) separate driveways located along the frontage(s) providing both ingress and egress to and from the property. These separate driveways shall have a minimum distance of thirty (30) feet between them, and shall not exceed thirty (30) feet in width at the curblane, nor twenty-four (24) feet in width at the property line. No such driveway shall be located closer than twenty-five (25) feet to an adjacent property line in an "R" District, nor ten (10) feet to an adjacent property line in any other Zoning District; and on corner lots shall not be located closer than thirty (30) feet to the intersection of the right-of-way lines of the two (2) streets.
3. A solid wood fence or masonry wall six (6) feet high shall be constructed where the delivery window is located adjacent to an "R" District. All landscaped areas shall be separated from all paved areas by a six (6) inch high curb. A raised curb six (6) inches high and six (6) inches wide shall be constructed along all street frontages, except within driveway openings, and shall form a landscaped island having a minimum width of five (5) feet including the width of the curbs.

Section 114 (continued)

4. The light from the exterior lighting shall be so shaded, shielded, or directed that the light intensity or brightness shall not be objectionable to surrounding areas.

Section 115 - Regulations for Farm and Construction Labor Camps

1. Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]
 - (a) A-1 Agricultural District
2. Farm and construction labor camps shall only provide living accommodations for transient labor for the purpose of performing temporary agricultural or construction operations. Such labor camps shall consist of trailers or mobile homes, and shall be permitted for a period not exceeding one (1) year.
3. No mobile home or trailer within a farm or construction labor camp shall be located closer than twenty-five (25) feet to another mobile home or trailer within the labor camp, and shall not be located closer than one hundred (100) feet to any lot line.
4. Farm and construction labor camps shall comply with all applicable local and state health regulations.

Section 116 - Regulations for Funeral Homes and Mortuaries

1. Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]
 - (a) B-1 Neighborhood Business District
 - (b) B-2 Community Business District
 - (c) B-3 General Business District
 - (d) B-4 Heavy Business District
 - (e) I-1 Industrial District
2. Immediate access to a major thoroughfare shall be required.
3. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent major thoroughfare.
4. All hearses, limousines, and other related business vehicles shall be stored within an enclosed building when not in use.
5. The required number of off-street parking spaces shall be designed in parallel aisles so as to facilitate the structuring of funeral processions that leave from the funeral home site to travel to the cemetery.

Section 117 - Regulations for Group Care Homes

1. Zoning Districts Where Conditionally Permitted:
 - (a) A-1 Agricultural District [eff: 3-29-90]
 - (b) R-1 Rural Residence District
 - (c) R-1A Suburban Residence District
 - (d) R-2 Low Density Single-Family Residence District
 - (e) R-2A Medium Density Single-Family Residence District
 - (f) R-2B Medium-High Density Single-Family Residence District
 - (g) R-3 Medium Density Single- and Two-Family Residence District
 - (h) R-4 Multiple-Family Residence District
2. The minimum lot size shall be as specified in Chapter 2. [eff: 3-29-90]
3. No exterior alterations of the structure shall be made which depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood.
4. Required Submittal:
 - (a) Information explaining the need for the facility, the clientele to be served, and the financial resources that will be used to operate the facility.
 - (b) Identification of community facilities and social services that will be used by the clientele of the group care home, including an indication from the Administrator of such facilities and services that the clientele of the group care home can be accommodated.
 - (c) Prior to the issuance of a conditional or permanent Zoning Certificate, the applicant shall provide evidence that a valid license has been issued or is obtainable. When a license is not required of the applicant by a governmental agency, a written affidavit shall be presented as a part of the application by the governmental agency to which that applicant has accountability, stating that a license is not required. [eff: 3-29-90]
 - (d) A copy of the operational and occupancy standards that will be used in establishing the facility.
 - (e) A detailed plan of services and programs to be offered the clientele of the facility, including the nature of care to be provided and the types of services to be offered, and the individuals and/or agencies who will be responsible for administering such care and services.
5. Unless modified by this Section, the facility shall comply with all other applicable codes and ordinances prior to the issuance of a Zoning Certificate.

Section 117 (continued)

6. Criteria for Evaluation:

- (a) Is in fact the facility licensed by and/or does the facility have legal accountability to an established social service agency of local government, and can sufficient controls be exercised to insure continued compliance with the provisions of this Section?
- (b) Will the proposed facility be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or officially planned uses of the general vicinity, and will such use not change the essential character of the neighborhood.

Section 118 - Regulations for Home Occupations [eff: 3-29-90]

1. Zoning Districts Where Conditionally Permitted:

- (a) A-1 Agricultural District
- (b) R-1 Rural Residence District
- (c) R-1A Suburban Residence District
- (d) R-2 Low Density Single-Family Residence District
- (e) R-2A Medium Density Single-Family Residence District
- (f) R-2B Medium-high Density Single-Family Residence District
- (g) R-3 Medium Density Single- and Two-Family Residence District
- (h) R-4 Multiple-Family Residence District

2. A home occupation shall be conditionally permitted if it complies with the following requirements, and any additional requirements as the Board of Zoning Appeals mandates:

- (a) The external appearance of the structure in which the use is conducted shall not be altered, and not more than one sign no larger than two (2) square feet shall be mounted flush to a wall of the structure;
- (b) No off premise signs to be provided;
- (c) No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted.
- (d) There shall be no outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises: no display of products may be visible from the street, no more than twenty-five (25) percent of the gross floor area of the dwelling shall be devoted to the use.
- (e) No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
- (f) No additional parking demand shall be created.
- (g) No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer, or independent contractor.

Section 119 - Regulations for Hospitals and Auxiliary Facilities

1. Zoning Districts Where Conditionally Permitted: [eff: 3-29-90]
 - (a) A-1 Agricultural District

Zoning Districts Where Permitted as Conditioned Use: [eff: 4-4-96]

 - (a) B-3 General Business District
 - (b) B-4 Heavy Business District
 - (c) I-1 Industrial District
2. Immediate access to a major thoroughfare shall be required.
3. Maximum Lot Coverage: Twenty-five (25) percent.
4. Setback Required for Off-Street Parking: Fifty (50) feet.
5. A six (6) foot solid wall or fence or compact hedge shall be required when located closer than one hundred fifty (150) feet to an existing or platted residential development.
6. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent major thoroughfare.
7. Lot frontage, size, and building setbacks and height: [eff: 11-6-08]
 - MINIMUM LOT FRONTAGE - 200'
 - MINIMUM LOT AREA - 3 acres
 - MINIMUM FRONT YARD SETBACK - 75'
 - MINIMUM SIDE YARD SETBACK - 30'
 - MINIMUM REAR YARD SETBACK - 70'
 - MAXIMUM BUILDING HEIGHT - 35'

Section 120 - Regulations for Institutions of Higher Learning

1. Zoning Districts Where Conditionally Permitted:
 - (a) A-1 Agricultural District
 - (b) R-1 Rural Residence District [eff: 4-4-96]
 - (c) R-1A Suburban Residence District [eff: 4-4-96]
2. Minimum Site Size: Ten (10) acres.
3. Immediate access to a major thoroughfare shall be required.
4. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent major thoroughfare.
5. All parking areas and/or areas where vehicles may pick up or discharge passengers shall be screened from view from any adjacent existing residential development.

Section 121 - Regulations for Junkyards and Automobile Wrecking Yards

1. Zoning District Where Conditionally Permitted:
 - (a) I-1 Industrial District
2. Immediate access to a major thoroughfare shall be required.
3. The site shall be a minimum distance of:
 - (a) Two thousand (2,000) feet from any residence.
 - (b) One thousand (1,000) feet from any "R" District.
4. The site shall be entirely surrounded by a solid wood or masonry fence or wall not less than six (6) feet high.

Section 122 - Regulations for Manufactured Farm Homes (Mobile Homes) [eff: 3-29-90]

1. Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]
 - (a) A-1 Agricultural District
2. For the purposes of this Section, manufactured homes shall be considered agricultural related uses and as such shall be permitted only as a use incidental to agriculture and shall not constitute a principal dwelling.
3. No manufactured home shall be used for any purpose other than as a single- family dwelling, and fifty (50) percent or more of the combined income of the occupants of a manufactured home permitted in the A-1 District shall be derived from employment on the farm upon which such manufactured home is located.
4. Each manufactured home shall be skirted, entirely enclosing the bottom section, within sixty (60) days after it is placed on the site; skirting shall be of material suitable for exterior exposure and contact with the ground.
5. Each manufactured home shall be permanently attached to concrete using ground anchors installed to the full depth called for by the manufacturer's direction and shall extend below the established frost line into undisturbed soil.
6. No manufactured home shall be located closer than twenty-five (25) feet to another structure, and shall not be located closer than one hundred (100) feet to any lot line. Minimum lot area requirements shall be subject to the standards promulgated by the Clark County Health Department.
7. The maximum number of manufactured farm homes per recorded lot or parcel is two (2).

Section 123 - Regulations for Motels and Hotels

1. Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]
 - (a) B-3 General Business District
 - (b) B-4 Heavy Business District
 - (c) I-1 Industrial District

Section 123 (continued)

2. Immediate access to a major thoroughfare shall be required.
3. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent major thoroughfare.
4. Lot frontage, size, and building setbacks and height: [eff: 11-6-08]
 - MINIMUM LOT FRONTAGE - 150'
 - MINIMUM LOT AREA - 1 acre
 - MINIMUM FRONT YARD SETBACK - 50'
 - MINIMUM SIDE YARD SETBACK - 30'
 - MINIMUM REAR YARD SETBACK - 70'
 - MAXIMUM BUILDING HEIGHT - 35'

Section 124 - Regulations for Nursing Homes, Convalescent Homes, & Rest Homes

1. Zoning Districts Where Conditionally Permitted:
 - (a) A-1 Agricultural District [eff: 3-29-90]
 - (b) R-1 Rural Residence District
 - (c) R-1A Suburban Residence District
 - (d) R-2 Low Density Single-Family Residence District
 - (e) R-2A Medium Density Single-Family Residence District
 - (f) B-1 Neighborhood Business District [eff: 4-4-96]
 - (g) B-2 Community Business District [eff: 4-4-96]
 - (h) B-3 General Business District [eff: 4-4-96]
 - (i) B-4 Heavy Business District [eff: 4-4-96]
 - (j) I-1 Industrial District [eff: 4-4-96]
2. Immediate access to a major thoroughfare shall be required.
3. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent major thoroughfare.
4. Where this use is adjacent to an existing or platted residential development, there shall be a twenty (20) foot buffer strip of mature evergreens to be planted along the outside face of the required fencing at thirty (30) foot intervals.
5. In every case, the use is to be provided with an adequate water supply for a fire suppression system. [eff: 4-4-96]
6. Lot frontage, size, and building setbacks and height: [eff: 11-6-08]
 - MINIMUM LOT FRONTAGE - 150'
 - MINIMUM LOT AREA - 1 acre
 - MINIMUM FRONT YARD SETBACK - 50'
 - MINIMUM SIDE YARD SETBACK - 30'
 - MINIMUM REAR YARD SETBACK - 70'
 - MAXIMUM BUILDING HEIGHT - 35'

Section 125 - Regulations for Penal and Correctional Institutions

1. Zoning District Where Conditionally Permitted:
 - (a) I-1 Industrial District [eff: 6-7-01]
2. Minimum Site Size: Ten (10) acres.
3. The site shall be a minimum distance of:
 - (a) Two thousand (2,000) feet from any residence, school, church, institution for human care, or similar institution.
 - (b) One thousand (1,000) feet from any District not an A-1 District.
4. Immediate access to a major thoroughfare shall be required.

Section 126 - Regulations for Primary and Secondary Schools

1. Zoning Districts Where Conditionally Permitted:
 - (a) A-1 Agricultural District
 - (b) R-1 Rural Residence District [eff: 3-29-90]
 - (c) R-1A Suburban Residence District [eff: 3-29-90]
 - (d) R-2 Low Density Single-Family Residence District [eff: 3-29-90]
 - (e) R-2A Medium Density Single-Family Residence District [eff: 3-29-90]
2. There shall be a minimum yard requirement of one hundred fifty (150) feet in any yard from which unrestricted exit or entry to the principal structure on the lot is made.
3. All parking areas and/or areas where vehicles may pick-up or discharge passengers shall be screened from view from any adjacent existing or platted residential area. No on-street pick up or discharge of passengers shall be permitted.
4. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent thoroughfare(s).
5. An assessment shall be made of the probable reuse of the facility for non- public purposes in the future, with special consideration given to how facility design might limit preferred reuse alternatives.

Section 127 - Regulations for Private and Public Outdoor Recreation Areas

1. Zoning Districts Where Conditionally Permitted: [eff: 4-4-96]
 - (a) A-1 Agricultural District
 - (b) B-3 General Business District
- Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]
- (a) B-4 Heavy Business District
 - (b) I-1 Industrial District

Section 127 (continued)

2. The site shall have adequate access onto a hard surfaced state highway, or county or township road, that is regularly maintained and adequate to handle the additional traffic generated by the use.
3. A Development Plan shall be submitted with the application, showing proposed incidental uses and their relationship to the site. Such incidental uses may include but shall not be limited to concession areas, food service and consumption areas, commissaries, laundry and drying facilities, management offices, toilet facilities, and shower facilities. Incidental uses shall clearly be appropriate to the proposed primary recreation activity.
4. A landscape plan, including quantities, sizes, and varieties of landscaping, shall be submitted with the application.
5. Parking areas shall be a minimum distance of fifty (50) feet from residential uses.
6. Any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in a Residential District. The enclosure requirements for swimming pools contained in Chapter 8, Section H shall also apply.
7. In determining approval or disapproval, the Board of Zoning Appeals shall consider such potential nuisances as noise, lighting, and dust, and their effect on adjacent properties.
8. The Board of Zoning Appeals may establish such requirements as they deem necessary to regulate the duration of stay by individuals or their recreation equipment at private or public campgrounds in order to preclude such extended periods of stay that might be construed as the establishment of permanent residency at the campground.
9. Lot frontage, size, and building setbacks and height: [eff: 11-6-08]
MINIMUM LOT FRONTAGE - 150'
MINIMUM LOT AREA - 1 acre or The site size shall be appropriate for the proposed use, as determined by the Board of Zoning Appeals
MINIMUM FRONT YARD SETBACK - 50'
MINIMUM SIDE YARD SETBACK - 40'
MINIMUM REAR YARD SETBACK - 70'
MAXIMUM BUILDING HEIGHT - 35'

Section 128 - Regulations for Radio, Television, and Telecommunication Transmission/Receiving Towers

1. Zoning Districts Where Conditionally Permitted:
 - (a) A-1 Agricultural District
 - (b) R-1 Rural Residence District
 - (c) R-1A Suburban Residence District
2. Minimum Site Size: Five (5) acres.
3. In no instance shall a transmission and/or receiving tower extend higher than the distance between such structure and any lot line of the parcel or tract upon which such structure is located; guy wires or other accessories shall not cross or encroach upon any street or other public or private space. [eff: 3-29-90]

Section 129 - Regulations for Resource and Mineral Extraction

1. Zoning Districts Where Conditionally Permitted:
 - (a) A-1 Agricultural District
 - (b) I-1 Industrial District
2. Applications shall be submitted and hearings shall be conducted in the manner set forth in Section A of this Chapter.
3. The Board of Zoning Appeals may impose any reasonable additional standards as may be necessary to protect the public interest, including changes to the reclamation plans, which do not unduly restrict the operation of the mining/extraction operation. [eff: 6-13-02]
4. The Board of Zoning Appeals may require any modification of the submitted plan including, but not limited to, that which enhances the operations effect on the surrounding area or safety and which do not unduly restrict the operation of the mining/extraction operation. Said changes must be presented on revised plans which must be resubmitted to the board for approval or further modification. [eff: 6-13-02]
5. The applicant shall secure a permit from the Ohio Department of Natural Resources, Division of Reclamation, prior to the Clark County Zoning Inspector issuing a Zoning Certificate for the actual extraction of a resource or mineral as granted hereunder by the Board of Zoning Appeals. [eff: 4-4-96]
6. An application for such operation shall set forth the following information in narrative (text) form: [eff: 6-13-02]
 - (a) Name of the owner or owners of land from which removal is to be made;
 - (b) Name of the applicant making request for such a permit;
 - (c) Name of the person or corporation conducting the actual removal operation;
 - (d) Location, description, and size of the area from which the removal is to be made;
 - (e) Indicate proposed timetable including phases of the operation;
 - (f) Indicate the hours of operation (note - said hours may be modified by the board of zoning appeals);
 - (g) Type of resources or materials to be removed including an estimate of the annual production rates for each mineral and describe in detail the type of operation proposed (sand & gravel, stone quarry, blacktop batch plant, etc);
 - (h) Proposed method of removal and whether or not blasting or other use of explosives will be required;
 - (i) General description of the type and number of equipment to be used in all operations;
 - (j) Method of rehabilitation and reclamation of the mine area and the entire site;
 - (k) Cost estimate of restoration;

- (l) Demonstrate that the operations will not be detrimental to the vicinity or surrounding properties;
 - (m) Indicate how all the equipment used in these operations will be constructed, maintained, and operated in such a manner as to eliminate, so far as practical, noise, vibration, or dust which would injure or annoy persons living in the vicinity;
 - (n) A statement of whether any surface mining permits or coal mining and reclamation permits are now held by the applicant in this state and, if so, the numbers of the permits and their location;
 - (o) A statement by the applicant indicating the reason(s) why the proposed site is suitable and sustainable for mineral extraction;
 - (p) Ensuring that contamination of underground water supplies is prevented during mining and reclamation. Upon completion of reclamation, ensure that any watercourse, lake, or pond located within the site boundaries is free of substances resulting from mining in amounts or concentrations that are harmful to persons, fish, waterfowl, or other beneficial species of aquatic life;
 - (q) Ensuring during mining and reclamation, that the effect of any reduction of the quantity of ground water is minimized;
 - (r) Ensuring during mining and reclamation, drainage control will be provided so as to prevent the causing of flooding, landslides, and flood hazards to adjoining lands resulting from the mining operation and that any ponds left will be in such condition as to avoid their constituting a hazard to adjoining lands;
 - (s) Ensuring during mining, the prompt removal, storage, or coverage of any coal, pyritic shale, or other acid producing materials in such a manner that will minimize acid drainage and the accumulation of acid water;
 - (t) For any applicant whose operation may result in dewatering, submit a report prepared by an qualified engineer which contains text and a drawing showing the projected cone of depression; and
 - (u) A statement by the applicant certifying that the applicant has communicated with the County Engineer of the county in which the proposed surface will be located regarding any streets and roads under the county engineer's jurisdiction or township's jurisdiction that will be used by vehicles entering and leaving the proposed surface mining operation (NOTE: the local authority may enter into an agreement with the operator of a surface mining operation or of a proposed surface operation for the improvement of roads under the jurisdiction of that local authority that may be affected by the operation or for other improvements).
7. An application for such operation shall set forth the following information in visual (map / drawing / plan) form: [eff: 6-13-02]
- (a) Map(s) showing the current property boundaries of the applicant's site as well as all property lines within five hundred (500) feet of the applicant's site. This map(s) shall also provide the following:

Section 129 (continued)

- (1) Current and proposed drainage including proposed retention/detention areas, if applicable;
 - (2) Approximate boundary of total extraction area and the perimeter of the water area, if applicable;
 - (3) Location of existing structures and uses;
 - (4) All current and proposed road rights-of-way and easements within the site and within five hundred (500) feet.
 - (b) Location of the processing plant to be used, if any, and any accessory or related operations that may be utilized in connection with the operation of the processing plant by the mining processor or any other firm, person or corporation;
 - (c) Location of all proposed buildings and location of all proposed uses;
 - (d) A grading plan showing existing contours in the area to be excavated and the proposed future contours showing the topography of the area after completion. Such plan shall include the surrounding areas within five hundred (500) feet of the property boundary line, drawn to contour intervals of five (5) feet or less;
 - (e) Show the approximate location of buildings and uses after reclamation has been completed; and
 - (f) If the eventual use includes the subdividing of lots after the reclamation process, delineate approximate lot lines of said future lots.
8. Development standards: [eff: 6-13-02] (*Applicant must indicate how the plans meet these requirements*)
- (a) No mining, gravel or sand extraction, or stockpile shall be permitted nearer than one hundred (100) feet to the boundary of the property being utilized for such use, or such greater distance as specified by the Board of Zoning Appeals where such is deemed necessary for the protection of adjacent property, but in any such event, adequate lateral support shall be provided for said abutting property.

Quarrying shall not be carried out closer than three hundred (300) feet to any adjoining property line.
 - (b) In order to ensure adequate lateral support, all sand and gravel excavations shall be located at least one hundred (100) feet, or backfilled to at least one hundred fifty (150) feet, and all quarrying or blasting shall be located at least three hundred (300) feet from the right-of-way line of any existing or platted street, road, highway, or railway, except that such excavation or quarrying may be permitted within these limits to the point of reducing the ground elevation to the grade of the existing or platted street, road, highway, or railway provided an approval is obtained from the appropriate highway/ railway authority.
 - (c) Commencing with the one hundred eightieth (180th) day after operations have ceased at any mine, quarry, or gravel or sand pit, each day the following Subsections (d), (e), and (i) have not been complied with by the applicant/owner will be considered a separate violation of these Regulations, and punishable as provided in Chapter 9, Section H of these Regulations.

Section 129 (continued)

- (d) All excavations of gravel or sand shall either be made to a water producing depth plus five (5) feet, or graded and/or backfilled with non-noxious and non-flammable solids to assure:
 - (1) That the excavated area will not collect and retain stagnant water; and
 - (2) That the graded or backfilled surface will create a gently rolling topography to minimize erosion by wind and rain and substantially conform with the contours of the surrounding area.
- (e) The banks of all excavations not backfilled shall be sloped to the water line at a grade of not less than three (3) feet horizontal to one (1) foot vertical, and such banks shall be sodded or surfaced with at least six (6) inches of suitable soil and seeded with grass. Spoil banks shall be graded to a level suiting the existing terrain and planted with trees, shrubs, legumes, or grasses where revegetation is possible. Where flood water exists, spoil banks shall be high enough to prevent overflow of water in the gravel pits and shall be sloped, graded, and seeded as prescribed herein.
- (f) Whenever the floor of a mine or quarry is more than five (5) feet below the average grade of the highway, road, street, or land adjacent thereto, the property containing such quarry shall be completely enclosed by a barrier consisting of not less than a six (6) foot mound of earth planted with suitable dense planting or other suitable material sufficient in either case to prevent persons from trespassing thereon or passing through. Such mound shall be located at least twenty-five (25) feet from any street, road, highway, or boundary of the quarry property. Fencing or other suitable barrier shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Board of Zoning Appeals, such fencing or barrier is necessary for the protection of the public safety and shall be of a type specified by the Board.
- (g) All quarrying, blasting, drilling, or mining shall be carried out in a manner and on such scale as to minimize dust, noise, and vibrations and to prevent adversely affecting the surrounding properties.
- (h) Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the Clark County Engineer.
- (i) When any quarrying has been completed, such excavated areas shall either be left as a permanent spring-fed lake if such lake has an average depth of twenty (20) feet or more, or the bottom floor thereof shall be leveled to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion, and said floor shall be covered with soil of adequate thickness for the growing of turf or other ground cover. The edge of such excavation shall be further protected by construction of a barrier consisting of not less than a six (6) foot mound of earth planted with vegetation approved by the Clark Soil & Water Conservation District.
- (j) Fencing or other suitable barrier shall be erected and maintained around the entire site or portions thereof to screen adjoining properties and/or protect the public safety. The board of zoning appeals is authorized to impose such additional requirements with respect to providing adequate barriers as it may feel necessary to screen adjoining properties and/or protect the public safety.

Section 129 (continued)

9. Other requirements: [eff: 6-13-02]
 - (a) The owner or operator of the mining operation shall submit copies of any documents / reports sent to the Ohio Department of Natural Resources to the Clark County Zoning Inspector within thirty (30) days of submitting same to the state.
 - (b) A zoning permit for a mining/extraction operation shall be issued for a one (1) year period which is automatically renewed for one (1) year unless the owner / operator violates or ignores the approved plan including the restoration plan.

Section 130 - Regulations for Sanitary Landfills [eff: 6-1-2000]

1. Zoning district where conditionally permitted:
 - (a) I-1 Industrial District [eff: 6-7-01]
2. The applicant shall obtain approval from the Board of Directors of the Clark County Solid Waste Management District (CCSWMD) prior to the Clark County Zoning Inspector issuing a zoning certificate authorizing the applicant to commence the construction or operation of the sanitary landfill as granted hereunder by the Board of Zoning Appeals. In order to obtain said CCSWMD Board of Directors approval, the applicant must submit the landfill development proposal to the Solid Waste Facility Siting Review process contained in the current version of the Clark County Solid Waste Management Plan.
3. The applicant must secure both a permit and an operating license from the Director of the Ohio EPA prior to the Clark County Zoning Inspector issuing a zoning certificate authorizing the applicant to commence the construction or operation of the sanitary landfill as granted hereunder by the Board of Zoning Appeals.
4. In addition to the requirements of the CCSWMD Plan, the sanitary landfill site shall have adequate access onto a hard surfaced state highway, or county or township road, that is regularly maintained.
5. In addition to the requirements of the CCSWMD Plan, the sanitary landfill site shall be minimum distance of:
 - (a) One thousand (1,000) feet from any state highway frontage.
 - (b) One thousand five hundred (1,500) feet from any residence.
 - (c) One thousand (1,000) feet from any "R" district.
6. The sanitary landfill site shall be properly screened for vector control so that refuse does not spill over onto adjacent property.
7. In order to obtain approval by the Board of Zoning Appeals of a proposal to construct and/or operate a sanitary landfill, the applicant must provide a sufficient long-term and post-closure recreational end-use of a sanitary landfill. For purposes of determining whether the long-term and post-closure aspects of a sanitary landfill proposal are sufficient to obtain a Zoning Certificate, the Board of Zoning Appeals shall consider whether the developer has proposed a satisfactory recreational end use of the facility, such as a golf course, bike paths, soccer

Section 130 (continued)

fields or a similar recreational activity. The Board of Zoning Appeals shall require the owner/operator/developer of a sanitary landfill to provide full and complete independent financial security to secure the construction of any proposed end use development. The failure of a developer to demonstrate a sufficient end use development or to provide adequate financial assurance, as described herein, shall constitute sufficient reason for the board of zoning appeals to disapprove general plans and specifications for the proposed sanitary land fill and deny the conditional use.

8. The Siting Strategy (siting strategy) of the Clark County Solid Waste Management Plan (plan) is incorporated herein by reference and is applicable to any proposal to construct a sanitary landfill subject to this section (Section 130 - Regulations for Sanitary Landfills). The siting strategy as incorporated herein shall survive any determination by a court of competent jurisdiction or the Director of the Ohio Environmental Protection Agency that all or any portion of the plan is unenforceable. The Zoning Inspector shall not issue a certificate authorizing the applicant to construct or operate a sanitary landfill unless the Board of County Commissioners determines that the proposed sanitary landfill complies with the Clark County Solid Waste Management Plan. In the event that all or any portion of the Clark County Solid Waste Management Plan is enjoined by a court of competent jurisdiction or by the Director of the Ohio Environmental Protection Agency, the Board of County Commissioners shall nevertheless conduct a siting strategy review of a proposal for the construction and operation of a sanitary landfill for purposes of complying with this section (Section 130- Regulations for Sanitary Landfills) and shall make its determination of whether any such proposal complies with the Clark County Solid Waste Management Plan. The Board of Zoning Appeals shall not approve any proposals for the construction of a sanitary landfill, nor shall the Zoning Inspector issue a zoning certificate to an applicant for the construction of a sanitary landfill if the applicant fails or is not able to adequately address a significant adverse impact, as defined in the Clark County Solid Waste Management Plan, or the failure of an applicant to comply with any other provision of the siting strategy or provision of this section (Section 130 - Regulation for Sanitary Landfills).

Section 131 - Regulations for Zero Lot Line, Cluster, Detached, Semi-Detached, or Attached Dwellings

1. Zoning Districts Where Conditionally Permitted:
 - (a) R-2 Low Density Single-Family Residence District
 - (b) R-2A Medium Density Single-Family Residence District
 - (c) R-2B Medium-High Density Single-Family Residence District
 - (d) R-3 Medium Density Single- & Two-Family Residence District
 - (e) R-4 Multiple-Family Residence District
2. Any parcel of land which is under single ownership and consists of two (2) or more contiguous lots, each having a minimum area of five thousand (5,000) square feet, may be developed within single-family zero lot line, cluster, and/or other similar dwellings in accordance with the following provisions:
3. Minimum Frontage: Forty (40) feet per lot for detached structures or twenty-five (25) feet for attached or semi-detached structures.

Section 131 (continued)

4. Minimum Yard Requirements:

- (a) Front Yard: Twenty-five (25) feet, except that the setback may be reduced to not less than twenty (20) feet if an average twenty-five (25) foot setback is maintained for the total building width.
 - (b) Side Yard: The minimum side yard requirements for zero lot line and/or detached cluster dwellings shall be ten (10) percent of the lot width for a one (1) story building and twenty (20) percent of the lot width for a two (2) story or taller building, except that said side yard need not exceed ten (10) feet and shall not be less than five (5) feet. In the case of half stories, each half-story shall be considered a story for the purpose of determining the side yard requirement. In the case of zero lot line dwellings, the side yard requirement for one (1) side of the lot may be reduced to zero (0), provided that the lot abutting said side of the lot is held under the same ownership at the time of the initial construction or the owners of adjacent properties record an agreement or deed restriction consenting in writing to a zero (0) side yard setback, and further provided that the side of the dwelling adjacent to said zero (0) side yard setback shall have no windows, doors, or other openings unless a two-story dwelling adjoins a single-story dwelling, in which case windows may be installed in the second story wall of the two-story dwelling. Said side of the dwelling shall also be constructed so as to provide a minimum fire resistance rating of two (2) hours. Where adjacent zero lot line dwellings are not constructed against a common lot line, the applicant shall provide for a perpetual wall maintenance easement of five (5) feet in width along the adjacent lot and parallel with such wall. Notwithstanding other provisions of this Section, the distance between one (1) side wall of any zero lot line dwelling and the side wall of any other dwelling shall be not less than twelve (12) feet. In the case of attached or semi-detached cluster dwellings, there shall be permitted a maximum of eight (8) dwelling units per group of connected dwellings, the common walls of which shall be constructed so as to provide a minimum fire resistance rating of two (2) hours. There shall be no minimum side yard requirement for attached or semi-detached cluster dwellings, except that on corner lots, the minimum side yard of the corner lot shall be twenty (20) feet. When an end unit of attached or semi-detached cluster dwellings does not side on a street, an open space of at least twelve (12) feet in width shall be provided between it and the adjacent group of cluster dwellings, and this open space shall be divided between the two (2) immediately adjacent cluster dwelling lots as to property or lot lines.
 - (c) Rear Yard: Thirty (30) feet.
- 5. The maximum percentage of lot coverage by each dwelling unit shall not exceed fifty (50) percent.
 - 6. Off-street parking shall be provided in the amount of two (2) spaces per dwelling unit.
 - 7. In no case shall consideration be given by the Board of Zoning Appeals to a proposed development, which exceeds, either singly or cumulatively with adjacent similar development, the minimum acreage required for a PUD District. Such proposed development shall instead be governed by the provisions for designating and developing a Planned Unit Development, as specified in Chapter 4, Section A.
 - 8. The Board of Zoning Appeals may approve a zero lot line or cluster development upon proper application for a Conditional Use, as specified in Sections A and B of this Chapter, and if evidence is presented which establishes the following:

Section 131 (continued)

- (a) That individual lots, buildings, streets, and parking areas shall be designed and situated so as to minimize the alteration of natural site features.
- (b) That diversity and originality in lot layout and individual dwelling design shall be encouraged in order to achieve the best possible relationship between the development and the site.
- (c) That individual lots and dwellings shall be arranged and situated so as to relate to surrounding properties, to improve the views from, and the views of, the dwellings; and to lessen the land area devoted to motor vehicles.
- (d) That individual lots, dwellings, and parking areas shall be situated so as to avoid the adverse effects of shadows, noise, fumes, and traffic upon the residents of the area.

Section 132 - Regulations for Demolition Disposal Facility [eff: 3-29-90]

- 1. Zoning District Where Conditionally Permitted:
 - (a) A-1 Agricultural District
- 2. The applicant shall submit a plan showing the property lines, the limits of area to be used for dumping of permitted materials, type and location of access to dumping area, description of uses within 500' of property line, and description of operation including (but not limited to) hours of operation, type of materials to be accepted, how the operator will control the materials dumped on-site, etc.
- 3. The demolition disposal facility shall have adequate access to a hard surfaced public street that is regularly maintained.
- 4. The demolition disposal facility site shall be a minimum distance of:
 - (a) Two hundred (200) feet from a public street
 - (b) One thousand (1,000) feet from any "R" District
 - (c) One thousand (1,000) feet from any residence
- 5. Prior to a zoning certificate being issued for a demolition disposal facility, the owner shall have a valid demolition disposal facility permit from the Clark County Board of Health and also any other required license or permit from any other Federal, State, or local agency.

Section 133 - Regulations for Day-Care Homes [eff: 3-29-90]

- 1. Zoning Districts Where Conditionally Permitted:
 - (a) R-1 Rural Residence District
 - (b) R-1A Suburban Residence District
 - (c) R-2 Low Density Single-Family Residence District
 - (d) R-2A Medium Density Single-Family Residence District

Section 133 (continued)

- (e) R-2B Medium-high Density Single-Family Residence District
- (f) R-3 Medium Density Single and Two-Family Residence District
- (g) R-4 Multiple-Family Residence District

Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]

- (a) A-1 Agricultural District
2. There shall be provided a minimum outdoor play area of sixty (60) square feet per child enrolled in the facility.
 3. All outdoor play areas shall be enclosed by a six (6) foot fence which shall be maintained in good condition so as to preclude penetration by any person; said fence shall not be permitted in front yard.
 4. Operating hours shall be limited to between 6:00 a.m. to 9:00 p.m.

Section 134 - Regulations for Feed Lot, Grain Elevators, and Slaughterhouse [eff: 3-29-90]

1. Zoning District Where Conditionally Permitted:
 - (a) A-1 Agricultural District
2. Minimum Lot Size: Five (5) acres.
3. Minimum Frontage: One-hundred fifty (150) feet.
4. Minimum Yard Requirements:
 - (a) Front Yard: Forty (40) feet
 - (b) Side Yard: Fifty (50) feet
 - (c) Rear Yard: Fifty (50) feet
5. Structures shall be a minimum distance of:
 - (a) One-hundred fifty (150) feet from any dwelling
 - (b) One-hundred (100) feet from any "R" district
6. The site shall have adequate access onto a hard surface state highway, or county or township road, that is regularly maintained and adequate to handle the additional traffic generated by the use.
7. Adequate parking shall be provided so as not to interfere with vehicular traffic on adjacent thoroughfares.
8. The applicant shall demonstrate that the proposed operations will not be detrimental to the vicinity or surrounding properties.

Section 134 (continued)

9. No outdoor disassembly or repair of farm machinery shall be permitted.
10. All equipment used in the processing operations shall be constructed, maintained and operated in such a manner as to eliminate so far as practical, noise, vibration, or dust which would injure or annoy persons living in the vicinity.
11. All exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any adjoining property in an "R" District or any adjoining dwelling in an A-1 district.

Section 135 - Regulations for Manufactured Home in Districts Other Than Residential
Manufactured Home Park District (R-MHP) [eff: 3-29-90]

1. Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]
 - (a) A-1 Agricultural District
 - (b) R-1 Rural Residence District
 - (c) R-1A Suburban Residence District
 - (d) R-2 Low Density Single-Family Residence District
 - (e) R-2A Medium Density Single-Family Residence District
 - (f) R-2B Medium-high Density Single-Family Residence District
 - (g) R-3 Medium Density Single- and Two-Family Residence District
 - (h) R-4 Multiple-Family Residence District
2. The structure shall be installed upon and properly attached to a foundation that is in compliance with the one-family, two-family, and three- family Building Regulations of Clark County or approved by the Manufactured Home Commission pursuant to Chapter 4781 of the Revised Code. [eff: 9-3-2004]
3. All hitches, axles, wheels, and conveyance mechanisms shall be removed from the structure.
4. The siting of the structure shall comply with all other requirements in effect for the district for which it is proposed.
5. The structure, excluding any addition, has a width of at least twenty-two (22') feet at one point, a length of at least twenty-two (22') feet at one point, and a total living area of at least nine hundred (900) square feet, excluding garages, porches, or attachments.[eff: 4-20-2000]
6. Aesthetic and compatibility requirements:
 - (a) Roof Pitch: Pitch requirements entailing a three (3") inch vertical rise or more for each twelve inches of horizontal run. [eff: 4-20-2000]
 - (b) Roof Overhang: Minimum overhang of over six inches, except on gable ends, or where approved decks, or certain accessories are attached.

Section 135 (continued)

- (c) Roof Material: Wood shingle, wood shake, synthetic or composite shingle, ceramic tile, concrete tile, asphalt or fiberglass shingle. (no corrugated metal or fiberglass)
- (d) Exterior Siding: One or a combination of materials such as brick, stone, stucco, clapboard or clapboard simulated vinyl or metal, wood shingles, shakes or similar material (no smooth, ribbed, or corrugated metal, fiberglass, or plastic); siding must extend to the top of the foundation.

Section 136 - Regulations for Automotive Service Stations [eff: 3-29-90]

1. Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]
 - (a) B-1 Neighborhood Business District
 - (b) B-2 Community Business District
 - (c) B-3 General Business District
 - (d) B-4 Heavy Business District
 - (e) I-1 Industrial District
2. The entire lot area, exclusive of the area covered by the structures or planting areas, shall be paved.
3. There shall be two (2) separate driveways located along the frontage(s) providing both ingress and egress to and from the property. These separate driveways shall have a minimum distance of twenty (20) feet between them, and shall not exceed thirty (30) feet in width at the curbline, nor twenty-four (24) feet in width at the property line. No such driveway shall be located closer than twenty-five (25) feet to an adjacent property line in a residential district; nor ten (10) feet to an adjacent property line in any other zoning district; and on corner lots shall not be located closer than thirty (30) feet to the intersection of the right-of-way line of the two (2) streets. Notwithstanding this paragraph, compliance with the requirements of the County Engineer's access standards or requirements are mandatory.
4. All service station buildings shall have a minimum front yard depth of fifty (50) feet, and all gasoline pumps shall be set back a minimum distance of twenty (20) feet from the front property line.
5. The light from the exterior lighting shall be so shaded, shielded, or directed that the light intensity or brightness shall not be objectionable to surrounding areas.
6. No outdoor disassembly or repair of motor vehicles shall be permitted. Storage of rental units shall not be permitted in the front yard.
7. Storage of motor vehicles shall not be permitted except when stored entirely within an enclosed structure; this section shall not apply to rental units.
8. A solid fence, wall, or evergreen hedge six (6) feet high shall be constructed or planted where the service station is located adjacent to a Residential District, or lot containing a dwelling.

Section 136 (continued)

9. Lot frontage, size, and building setbacks and height: [eff: 11-6-08]
MINIMUM LOT FRONTAGE - 100' (Subject to FOOTNOTE 1 - CHAPTER 2, SECTION H)
MINIMUM LOT AREA - 20,000 Sq. Ft. (Subject to FOOTNOTE 1 - CHAPTER 2, SECTION H)
MINIMUM FRONT YARD SETBACK - 50'
MINIMUM SIDE YARD SETBACK - 30'
MINIMUM REAR YARD SETBACK - 50'
MAXIMUM BUILDING HEIGHT - 35'

Section 137 - Regulations for Bed and Breakfast Facilities

1. Zoning Districts Where Permitted as Conditioned Use: [eff: 4-20-2000]
 - (a) A-1 Agricultural District
 - (b) R-1 Rural Residence District
 - (c) R-1A Suburban Residence District
 - (d) R-2 Low Density Single-Family Residence District
 - (e) R-2A Medium Density Single-Family Residence District
 - (f) R-2B Medium-High Density Single-Family Residence District
2. The site shall have adequate access onto a hard surface state highway, or county or township road that is regularly maintained and adequate to handle the additional traffic generated by the use.
3. Information shall be submitted indicating that adequate off-street parking will be provided. All parking areas shall be screened from view from any adjacent existing residential development or from any adjacent dwelling, by a masonry wall or a solid fence of acceptable design. Such wall or fence shall not be less than four (4) feet nor more than six (6) feet in height.
4. No more than one sign no larger than six (6) square feet shall be permitted.

Section 138 - Regulations for Automotive Body Shop

1. Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]
 - (a) B-3 General Business District
 - (b) B-4 Heavy Business District
 - (c) I-1 Industrial District
2. The entire lot area, exclusive of the areas covered by the shop structure or planting area, shall be paved.
3. The light from the exterior lighting shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas.

Section 138 (continued)

4. No outdoor disassembly or repair of motor vehicles shall be permitted. Storage of any motor vehicles shall not be permitted in the front yard.
5. Storage of motor vehicles shall be permitted on the premises for periods of time not exceeding seven (7) days unless stored entirely within an enclosed building.
6. A solid fence, wall or evergreen hedge six (6) feet high shall be constructed or planted where the shop or storage area is located adjacent to any "R" district or any lot containing a dwelling.

Section 139 - Regulations for Garden Centers and Greenhouses [approved 12-13-00; eff: 1-13-01]

1. Zoning district where permitted as Conditionally Permitted Use:
 - (a) A-1 Agricultural District
2. Minimum Lot Size: One (1) Acre.
3. Minimum Frontage: One Hundred Fifty (150) Feet.
4. Minimum Yard Requirements:
 - (a) Front Yard: Fifty (50) Feet. [Eff: 3-29-90]
 - (b) Side Yard: Thirty (30) Feet.
 - (c) Rear Yard: Fifty (50) Feet.
5. Structures used for Garden Centers and Greenhouses shall be a minimum distance of:
 - (a) One hundred-fifty (150) feet from any dwelling.
 - (b) One hundred (100) feet from any "R" district.
6. The site shall have adequate access onto a hard surfaced state highway, or county or township road, that is regularly maintained and adequate to handle the additional traffic generated by the use.
7. Adequate parking shall be provided so as not to interfere with vehicular traffic on adjacent thoroughfares.
8. The applicant shall demonstrate that the proposed operations will not be detrimental to the vicinity or surrounding properties.
9. No repair facilities shall be permitted.
10. All equipment used in the operation of a Garden Centers and Greenhouses shall be maintained, and operated in such a manner as to eliminate so far as practical, noise, vibration, or dust which would injure or annoy persons living in the vicinity.
11. All exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any adjoining property.

Section 140 - Regulations for Condominium Residences [eff: 4-4-96]

1. The development shall have safe and adequate access to a public street as determined by the County Engineer for county and township roads and the Ohio Department of Transportation for state and federal highways.
2. A traffic impact statement shall be provided at an adequate level of detail to assess the effect of the development on adjacent streets.
3. In every case, the uses shall be provided with water and sewer systems approved by Ohio EPA or County Health Department.
4. Development plans shall be submitted with the application for Zoning Certificate for every condominium property which show the particulars of the site, proposed buildings and other improvements, including the layout of the interior streets, drives, and parking areas, the layout, location, designation, and dimensions of each unit, the layout and details of the water and sewer facilities serving the proposed condominium property, the layout and details of the soil erosion and stormwater runoff control facilities proposed, and the location and dimensions of any existing or proposed easements. The name, registration number, and address of the design professional preparing such plans shall be clearly indicated thereon.
5. Approval shall be based on the development plan as submitted after review and approval by each of the related agencies, such as the County Engineer, Soil Conservation Office and Utilities Department.

Section 141 - Regulations for Office-Residential Uses [eff: 4-4-96]

1. Only family members who reside in the dwelling on the property where the conditioned use is conducted shall be allowed to be employed in the business. Said use may be conducted within the dwelling or within an accessory building on the same lot as the dwelling.
2. Conditioned Uses - professional services, including but not limited to offices of physicians, dentists, lawyers, architects, insurance and real estate agents, and general contractors, surveyors, beauty shops and other similar professions.
3. The Conditioned Use shall be conducted principally during day light hours and shall not create a nuisance from noise, smoke, odor, vibration, electrical disturbances, or parking.
4. No alteration of the principal residential structure shall be made which changes the essential appearance thereof as a dwelling.
5. One sign shall be permitted. Such sign shall be attached flush to the wall of the structure and shall be no larger than four (4) square feet.
6. No more than twenty-five (25) percent of the gross floor area of the dwelling unit shall be devoted to the occupational use.
7. Outdoor storage of product(s), equipment, or commercial vehicles shall be permitted only in the rear yard. All such outdoor storage shall be enclosed with a six (6) foot fence that provides both security and a visual barrier.
8. An assessment shall be made of the probable effects the proposed use will have on the surrounding area including additional traffic and the proposed parking, loading, and unloading facilities.

CHAPTER 8

SUPPLEMENTARY REGULATIONS

CHAPTER 8

SUPPLEMENTARY REGULATIONS

Section A - Performance Standards to Regulate Potential Hazards and Nuisances

The following minimum standards shall apply to all uses within their permitted Districts.

1. Fire and Explosion Hazards. All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
2. Air Pollution. No emission of air pollutants shall be permitted which violates the Clean Air Act Amendments of 1977 as enforced by the Ohio Environmental Protection Agency.
3. Glare, Heat, and Exterior Light. Any operation producing intense light or heat, such as high temperature processes like combustion, welding, or otherwise, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted. No exterior lighting shall be positioned so as to extend light or glare onto adjacent properties or rights-of-way.
4. Dust and Erosion. Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
5. Liquid or Solid Wastes. No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
6. Vibrations and Noise. No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.
7. Odors. No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to.
8. Toxic Materials. No emission of toxic or noxious matter, which is injurious to human health, comfort, or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken. The standards of the Ohio Environmental Protection Agency shall apply.
9. Chemicals. The storage, utilization, and manufacture of solid, liquid, and gaseous chemicals and other materials shall be permitted subject to the following conditions:

Section A (continued)

- (a) No discharge shall be permitted at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in wastewater treatment, or otherwise cause the emission of dangerous or offensive elements, except in accord with standards approved by the Ohio Environmental Protection Agency or such other governmental agency as shall have jurisdiction of such activities.
 - (b) The storage, utilization, or manufacture of solid combustible materials or products ranging from free or active burning to intense burning is permitted; but only if said materials or products are stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system. Burning of waste material in open fire is prohibited.
 - (c) All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gases shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate fire fighting and suppression equipment and devices standard to the industry involved. All above-ground storage shall be in enclosed fireproof vaults.
 - (d) The storage, utilization, or manufacture of pyrophoric and explosive powders and dusts, and of materials and products which decompose by detonation, and the storage and utilization of flammable liquids or materials that produce flammable or explosive vapors or gases shall be in strict conformance with the applicable regulations set forth in the "Ohio Rules and Regulations of the Division of the State Fire Marshal for the Manufacture, Storage, Handling, Sale, and Transportation of Flammable and Combustible Liquids".
10. Radioactivity. The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in strict conformance with:
- (a) The applicable regulations of the Atomic Energy Commission.
 - (b) The applicable regulations of any agency of the State of Ohio.

Section B - Regulation of Accessory Uses

- 1. In each District, unless otherwise specifically prohibited, any use, building, and/or structure customarily incidental and accessory to a Permitted Use, structure, and/or building in such District may be permitted. [eff: 11-6-08]
- 2. Without limiting the provisions of Subsection 1, above, the following specific uses, structures, and/or buildings shall be deemed accessory:
 - (a) Living quarters of persons employed on the premises, provided the same do not contain kitchen facilities and/or are not rented or otherwise used as a separate dwelling.
 - (b) Keeping of not more than two (2) roomers and/or boarders by a resident family.
 - (c) Private landing fields for aircraft in the A-1 District only, provided:

Section B (continued)

- (1) The private landing field shall be used primarily for non-commercial aircraft and/or aircraft for agricultural purposes, belonging to or used by the property owner or resident of the building or use to which it is accessory; and
- (2) The use of the property for a private landing field shall meet the appropriate standards and requirements of the Federal Aviation Administration.
- (d) Temporary buildings for uses incidental to construction work while construction is in progress.
- (e) Swimming Pools - Outdoor [eff: 11-6-08]
 - (1) Private swimming pools on lots with Single Family dwellings shall conform with the following regulations:
 - a) Below Ground Swimming Pools:
 - 1) The swimming pool is intended for and is to be used solely for the enjoyment of the occupants, and their guests, of the dwelling unit on the property on which it is located.
 - 2) The swimming pool shall be located completely to the rear of the principal structure and shall not be located closer than ten (10) feet to the principal structure or any property line.
 - 3) The swimming pool or yard shall be surrounded by a four (4) foot wall or fence. Such wall or fence shall be maintained in good condition and properly secured to prevent uncontrolled access.
 - b) Above Ground Swimming Pools:
 - 1) Above ground pools must comply with subsections (1), a), 1) and a), 2) above and, if the sides of the pool are less than four (4) feet high above ground level and/or access is not blocked by locking stairs, the swimming pool or yard shall be surrounded by a four (4) foot wall or fence. Such wall or fence shall be maintained in good condition and properly secured to prevent uncontrolled access.
 - (2) Swimming Pools in Multi-Family and/or Condominium Residential Developments- A pool(s) that is located within and is designed to service specifically a multi-family and/or condominium development shall be permitted as an accessory use(s) irrespective of whether or not such pool is owned or operated by a Home-Owners' Association and shall be subject to the same yard requirements as those listed for principal structures in that district. The swimming pool shall be walled or fenced to prevent uncontrolled access to the pool. Such wall or fence shall not be less than six (6) feet in height and access to such pool shall be adequately controlled by gate and lock
 - (3) Community, Commercial, or Club Pools - Where permitted by these Regulations, community, commercial, or club pools - to be interpreted as being used for the enjoyment of the members and families, and guests of members of the association or club under whose jurisdiction the pool is operated - shall be walled or fenced to prevent uncontrolled access to the pool. Such wall or fence shall not be less than six (6) feet in height and access to such pool shall be adequately controlled by gate and lock. The pool and all accessory structures including decks or areas used by bathers, shall not be closer than fifty (50) feet to any property line.

Section B (continued)

- 4) Any outdoor swimming pool which is permanently drained and/or not properly maintained shall be considered a nuisance and must be filled in or properly maintained.
- (f) Utility or storage building which occupies 120 square feet of area or more.
[eff: 10-17-85]
- (g) Notwithstanding other provisions of these Regulations, a dwelling unit which is accessory to a commercial use and which is located within the principal building may be permitted but only upon the approval of the Zoning Inspector. [eff: 11-6-08]
3. An accessory building shall be erected detached from the principal building. An accessory building, such as garage, which is attached to the principal building, either directly or connected by an enclosed breezeway, is no longer considered an accessory building and must meet the setback requirements of the principal building. [eff: 11-6-08]
 - (a) A detached accessory building shall only be erected in a rear yard, except that a private detached garage may be erected in a rear or side yard. If a private detached garage is located in a side yard, the side yard requirements of the principal building shall be met.
[eff: 11-6-08]
 - (b) Notwithstanding other provisions of the Regulations, a detached accessory building may be constructed in the front yard provided it is at least 300' from the road right-of-way. [eff: 11-6-08]
 - (c) Where the natural grade of a lot at the front line of the principal building is such as to result in a driveway having a grade of twelve (12) percent or greater, a private detached garage may be erected within the front yard, but not within six (6) feet of any street right-of-way, provided that at least one-half ($\frac{1}{2}$) of the height of such detached garage shall be below the level of the yard, measured at the level of the front line of the principal building.
 - (d) No detached accessory building shall occupy more than twenty-five (25) percent of the area of the required side or rear yard. For computing the percentage of occupancy of a side or rear yard, if a detached accessory building is connected to the principal building by a breezeway, the ground area of such a breezeway shall be considered as a part of the accessory building and shall be included in the computation.
4. An accessory building shall not exceed the maximum allowable height as noted in TABLE 8.1 and the distance of such building from other separate buildings on the same lot shall be at least six (6) feet, except that a breezeway, at least six (6) feet in length, may connect an accessory building with a principal building. [eff: 11-6-08]
5. Accessory buildings not covered by other provisions of these Regulations must be located in the rear yard and shall be located at least five (5) feet from a side or rear yard lot line. [eff: 11-6-08]
6. Location, Number and Size of Residential Accessory Buildings. [eff: 11-6-08]
 - (a) Unless otherwise permitted by this Zoning Resolution, a lot of less than one (1) acre zoned Residential or used for residential purposes, shall contain no more than two (2) accessory buildings and the sum of their square footage shall not exceed the maximum square footage noted in TABLE 8.1.

Section B (continued)

- (b) When two (2) or more accessory buildings are located on a lot utilized for residential purposes, the sum of their square footage shall not exceed the maximum square footage noted in TABLE 8.1.
- (c) Accessory building development standards shall be based upon the following table and requirements:

TABLE 8.1 - Accessory Building Development Standards [eff: 11-6-08]

LOT SIZE	MAXIMUM SIZE OF ACCESSORY BUILDING(S)	MAXIMUM HEIGHT	SET-BACK FROM SIDE OR REAR PROPERTY LINES (When located in rear yard)
Under one (1) acre	800 square feet	18 feet	5 feet
Equal to or greater than one (1) acre but less than two (2) acres	1,600 square feet	20 feet	5 feet
Equal to or greater than two (2) acres but less than three (3) acres	2,400 square feet	25 feet	10 feet
Equal to or greater than three (3) acres but less than four (4) acres	3,200 square feet	25 feet	10 feet
Equal to or greater than four (4) acres but less than five (5) acres	4,000 square feet	25 feet	10 feet
Five (5) or more acres (non- agricultural)	4,800 square feet	25 feet	10 feet

7. Accessory buildings shall not infringe on sanitary or water systems. The location of accessory buildings shall comply with all applicable Clark County Board of Health and/or Ohio Environmental Protection Agency regulations. [eff: 11-6-08]
8. Accessory buildings in excess of two hundred (200) square feet shall be subject to compliance with the Clark County Building Code. [eff: 11-6-08]

Section C - Restricted Business or Industrial Accessory Parking Areas

The Board of Zoning Appeals may authorize, as a Conditional Use, the establishment and operation of any off-street parking area in such parts of any A-1 or "R" District that abut at least fifty (50) feet, either directly or across an alley, a "B", O-1, or I-1 District, subject to the following conditions and requirements:

1. The parking lot shall be accessory to and for use only in connection with one (1) or more business or industrial/warehouse/wholesale establishments located in an adjoining "B", O-1, or I-1 District.
2. Each entrance and exit to and from such parking lot shall be located only along a major or secondary thoroughfare, and shall be at least twenty (20) feet distant from any adjacent property located in any "R" District.
3. The parking lot shall be subject to the requirements for off-street parking contained in Chapter 5, and shall comply with all applicable requirements for fencing, screening, and landscaping contained in Section E of this Chapter. The parking lot shall further be subject to any other conditions or requirements with respect to development, maintenance, and operation which the Board of Zoning Appeals deems necessary or desirable for the protection of adjacent property or the public interest.

Section C (continued)

4. No sign of any kind, other than those designating entrances, exits, and conditions of use, shall be maintained on such parking lot.
5. The parking or storage of motor vehicles, recreational vehicles, or trailers of any type for periods of time exceeding twenty-four (24) hours shall not be permitted.

Section D - Regulations of Permitted Temporary Uses

1. The temporary use of a structure or premises for a purpose or use that does not conform to the requirements prescribed elsewhere in these Regulations for the District in which it is located, provided that such use be of a temporary nature and that the use does not involve the erection of a substantial structure, may be permitted subject to the requirements herein stated, and subject to such conditions as will safeguard the public health, safety, convenience, and general welfare. The Zoning Inspector may inspect any temporary use at any time and may request evidence from the property owner and/or occupant that they are in compliance with the required conditions as stated for each temporary use. A Zoning Certificate is not required for the following temporary uses: [eff: 10-17-85]
 - (a) Orderly display at an automotive service station building of canned fluids, lubricants, and/or tires not required for immediate servicing of automobiles, and display of other products normally sold at service stations. Such display shall be set back not less than ten (10) feet from the front lot line and not less than five (5) feet from any side or rear lot line.
 - (b) Promotional activities of retail merchants, located in any Business District, involving the display of goods and merchandise may be conducted outside of enclosed buildings for a time period of not more than fourteen (14) days in any three (3) month period. Goods and merchandise that will be used in the promotional activity and are also for sale within the building may be displayed subject to the following conditions:
 - (1) No portion of the display shall be on or over publicly owned property, except for sidewalk sales. Public access shall be maintained throughout such sales.
 - (2) No food or drink shall be dispensed outside the building except in accordance with standards and prior written approval of the Clark County Health Department.
 - (c) Garage sales, yard sales, and rummage sales shall be permitted at individual dwellings in the A-1, "R", PUD and R-MHP Districts, not to exceed two (2) times per calendar year for a total time period not to exceed seven (7) days per calendar year. No more than two (2) signs (not to exceed 4 sq. ft. each) per sale shall be permitted.
 - (d) Real estate offices (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing development, to continue only until the sale or lease of all dwelling units within the development.
 - (e) Contractor's office, trailer, and equipment shed (containing no sleeping or cooking accommodations) accessory to a construction project, and to continue only during the duration of such project.
 - (f) Christmas tree sales in the Industrial District or in any "B" District for a time period not to exceed sixty (60) days. Display of Christmas trees need not comply with the yard and setback requirements of these Regulations provided that no tree shall be displayed within thirty (30) feet of the intersection of the curb line of any two (2) streets.

Section D (continued)

- (g) Open-air carnivals or tent circuses, but only in the Industrial or General Business District, and then only for a time period that does not exceed one (1) week. Such use need not comply with the front yard requirements, provided that structures or equipment which might block the view of operators of motor vehicles on adjacent public streets shall not be located within thirty (30) feet of the intersection of the curb line of any two (2) streets.
 - (h) Festivals sponsored by non-profit organizations in any District for a time period of only three (3) days. Such use need not comply with the front yard requirements, provided that structures or equipment which might block the view of operators of motor vehicles on adjacent public streets shall not be located within thirty (30) feet of the intersection of the curb line of any two (2) streets.
 - (i) The posting of portable signs and billboards announcing a special event or advertising a product or service for a time period not to exceed ninety (90) days per calendar year. The additional requirements contained in Chapter 6, Section B shall also apply.
2. All of the above described retail, office, and entertainment functions and operations shall be conducted and all merchandise displayed in an orderly and safe manner, free from injurious or offensive effects to the occupants of adjacent premises and to the public in general, and shall be effectively screened from adjoining "R" Districts where required by the Zoning Inspector.

Section E - Required Fencing, Screening, and Landscaping

1. Statement of Intent The intent of this Section is to outline the regulations of fencing, screening, and landscaping which will serve to provide for orderly transition between land uses, to protect and screen private property, to inhibit access to industrial and commercial sites, to give security and privacy to residents, to provide a physical and visual barrier, to reduce wind and modify climate, to define property lines, to identify and emphasize entrances, to create and define outdoor living space, and to generally improve the aesthetic appearance of a site.
2. Design Standards
- (a) No fence, wall, or screen may be located in any front yard except as provided below:
 - (1) Hedges not to exceed six (6) feet in height may be located in any front yard, but shall be subject to any traffic visibility requirements imposed by the Zoning Inspector.
 - (2) A fence or wall may be located in any front yard as follows:
 - a) The height of any fence or wall shall not exceed four (4) feet above the ground at any point, except that in instances where single-family homes front on major or secondary thoroughfares, such ornamental fences or walls shall be not more than six (6) feet in height.
 - b) Such fence or wall shall be subject to any traffic visibility requirements imposed by the Zoning Inspector. [eff: 4-4-96]
 - c) Such fence or wall on a corner lot shall be subject to any traffic visibility requirements imposed by the Zoning Inspector.

Section E (continued)

- (b) A fence, wall, or screen may be located in any rear or side yard, provided that:
 - (1) The height of the fence, wall, or screen shall not exceed six (6) feet above the ground.
 - (2) A fence or wall not to exceed ten (10) feet in height shall be permitted surrounding tennis courts in any rear yard.
- (c) A fence, wall, or screen shall be located between land uses according to the following:
 - (1) Whenever a business or industrial use is located on a lot which adjoins a Residential District, an effective buffer or screen consisting of a solid wall or fence, landscaped earthmound, or view-obscuring dense planting, or various combinations thereof, shall be provided at the lot lines adjoining residential uses. Such masonry wall, wooden fence, or earthmound shall not be less than five (5) nor more than six (6) feet in height, or may be higher if necessary to provide visual privacy for the adjacent residential property owner, and shall be maintained in good condition by the owner. The proposed fencing, screening, and/or landscaping shall be subject to the approval of the Zoning Inspector.
 - (2) Any premise which is used or intended to be used, as permitted by these Regulations, for auto wrecking or for the open storage of auto bodies, or other metal, glass, bottles, rags, cans, sacks, rubber, paper, or other articles commonly known as junk, or for any articles known as secondhand goods, wares, or merchandise, must be enclosed with a masonry wall or tight board or similar fence not less than six (6) feet high, painted a neutral color, and continuously maintained in good and sightly condition. The fence is to be constructed of an opaque material. [eff: 3- 29-90]
- (d) When any open off-street parking or loading area used for any nonresidential purpose containing more than two (2) spaces is not separated from an "R" District by a dedicated street, an effective buffer or screen, consisting of a solid wall, fence, landscaped earthmound, or view-obscuring dense planting of evergreen shrubs, hedge treeline, mass tree planting, or various combinations thereof, shall be provided at the lot lines adjoining said "R" District. Such wall, fence, or earthmound shall be not less than four (4) nor more than six (6) feet in height, or may be higher if necessary to provide visual privacy of the adjacent residential property owner, and shall be maintained in good condition by the owner. Exception to this height requirement occurs at the immediate exit point from the parking or loading/unloading area.
- (e) All open off-street parking or loading/unloading areas which are unusable, either for parking or for traffic, shall be landscaped with plantings of grass, flowers, shrubs, and/or trees, which shall be maintained in good condition by the owner.
- (f) All commercial, industrial, multiple-family residential, and office uses that provide trash and/or garbage collection areas shall enclose such areas on at least three sides by a solid wall or fence at least five (5) feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage, as determined by the Zoning Inspector, shall be required.
- (g) A security fence provided for a school, park, business, and/ or industry in any District shall be an open fence with a ratio of the open portion to the solid portion of not less than six-to-one (6:1), not more than ten (10) feet in height, and located in a side or rear yard.

Section E (continued)

- (h) Retaining walls shall not project more than one (1) foot above the surface of the ground supported by such walls, unless such projection exceeding one (1) foot complies with the applicable requirements in this Section.
 - (i) Any and all plants required by these Regulations which become diseased or dead shall be removed and replaced with healthy specimens by and at the expense of the property owner.
 - (j) All fences, screens, and landscaping required by the provisions of this Section shall meet with the approval of the Clark County Zoning Inspector.
3. A fence or wall, not to exceed ten (10) feet in height may be required to confine dogs and provide security to residents. [eff: 4-4-96]

Section F - Allowable Modifications of Yard Requirements

1. Supplementary Yard Requirements

- (a) In any "R" District in which the average existing front yard setback on two (2) or more lots located within one hundred (100) feet and in the same block as the lot in question is either less or greater than the minimum front yard requirement specified in the appropriate section of Chapter 2 of these Regulations, the front yard requirements shall be modified as follows:
 - (1) The modified front yard shall not be less than the average setback of the existing front yards of the two (2) lots immediately adjacent to the lot in question, or if a corner lot, then the same as the setback on the immediately adjacent lot; and
 - (2) In no case shall any front yard be modified to require less than ten (10) feet nor more than fifty (50) feet.
- (b) On all corner lots, all yards which front on streets shall be considered front yards, and as such, shall meet the minimum front yard requirement specified for the District in which such lot is located. Of the remaining yards, one yard shall meet the minimum rear yard setback requirements while the other remaining yard shall meet the minimum side yard setback requirements.
- (c) On all lots having frontage on two (2) streets which do not intersect, the minimum front yard setback specified for the District in which the lot is located shall apply to each yard with street frontage; such lots need not have a rear yard if an equivalent open space is provided on the lot in lieu of such required rear yard.
- (d) In computing the depth of the rear yard or the width of a side yard, where the rear or side yard abuts an alley, one-half (½) of the width of the alley may be included as a portion of the required rear or side yard, as the case may be.
- (e) Each side yard shall be increased in width by two (2) inches in any "R" District for each foot by which the length of the side wall of the building adjacent to the side yard exceeds forty (40) feet.

Section F (continued)

- (f) Side yard width may be varied where the side wall of a building is not parallel with one (1) side lot line or is broken or otherwise irregular. In such case, the average width of the side yard shall be not less than the otherwise required least width. Such side yard, however, shall not be narrower at any point than one-half ($\frac{1}{2}$) the otherwise required least width, or narrower than three (3) feet in any case. This requirement notwithstanding, no new addition to any building shall encroach upon the minimum required side yard.
- (g) The width of one (1) side yard may be reduced when authorized by the Board of Zoning Appeals in the case of a single-family or two-family dwelling, to a width not less than three (3) feet if the sum of the widths of the two (2) side yards is not less than the required minimum, and if the distance between the proposed dwelling and another dwelling, existing or proposed, on an adjacent lot is not less than the required minimum sum of the widths of two (2) side yards. Such reduction may be authorized only when the Board of Zoning Appeals finds it to be warranted by the location of existing buildings or conducive to the desirable development of two (2) or more lots.
- (h) In all districts the minimum lot width requirement may be reduced by one-third if the lot has side lot lines radial to the center of a cul-de-sac as defined herein, but in no case shall the minimum lot width be less than forty (40) feet. [eff: 4-4-96]
- (i) On a lot adjoining any Zoning District boundary line, which lot is situated in the less restricted Zoning District, any abutting side or rear yard shall have a minimum width and depth equal to the average of the required minimum width or depth for such side or rear yards in the two (2) Districts on either side of such Zoning District boundary line, unless subject to greater restrictions or requirements by other provisions of these Regulations. In case the height of a proposed structure on such lot in the less restricted District is greater than the maximum height permitted in the adjoining more restricted District, the minimum width or depth of the side or rear yard for such structure shall be determined by increasing the minimum width or depth required for the highest structure permitted in such more restricted District by one (1) foot for each two (2) feet by which the proposed structure exceed the maximum height permitted in said more restricted District.
- (j) For 1, 2, or 3 family dwelling units, the minimum side yards ("least width" and "sum of both") may be modified on an existing lot of record which has less than the minimum frontage of the District in which it is located. Said least width may be modified to not less than 10% of the lot width except as permitted by (g) above and the sum of both side yards may be modified to not less than 30% of the lot width. For 1, 2, or 3 family dwelling units located on existing lots having a lot depth which is less than the lot width, then the rear yard setback need not exceed twenty (20) percent of the depth of the lot, but in no case shall it be less than ten (10) feet. [eff: 2- 14-85]

2. Projections Into Yards

- (a) There may be projections into required yard areas as follows:
 - (1) Architectural features such as canopies, cornices, eaves, other similar features may project a distance of not more than two (2) feet, six (6) inches.
 - (2) Outside stairs and landings without cover may project a distance not more than six (6) feet in front or rear yards but in no case shall any such outside stair or landing extend above the entrance.

Section F (continued)

- (3) Fire escapes may project not more than four (4) feet, six (6) inches.
- (4) Patios and open porches may be located in side and rear yards provided they are not closer than six (6) feet to any adjacent property line. If located closer than eight (8) feet, they shall be screened by an evergreen hedge or fence not less than four (4) feet in height and maintained in good condition. In case of the corner lot, no patios or porches shall be closer to the side street lot line than the least depth required for such side yard.
- (5) Front porches may project into a front yard a distance not to exceed eight (8) feet, provided it is open on three (3) sides, except for railings or banisters.
- (6) Bay windows, balconies, and chimneys may project into a yard for a distance not to exceed three (3) feet, provided, however, that the aggregated width of such projection does not exceed one- third (1/3) of the length of the wall upon which it is located.
- (b) Subject to the limitations in Subsection 2(a) above, the above named features may project into any required side yard adjoining an interior side lot line a distance not to exceed one-fifth (1/5) of the required least width or such side yard, but not exceeding three (3) feet in any case.

Section G - Parking and Storage of Recreational Vehicles, Utility Trailers, Boats, Disabled Vehicles, School Buses, and Semitrailers

- 1. Recreational vehicles, utility trailers, and boats, not including mobile homes as herein defined, may be parked or stored only in an A-1, any "R" District, or PUD District subject to the following:
 - (a) Such camping and recreation equipment may be parked or stored entirely within an enclosed building, or if not within an enclosed building, shall be parked or stored in the side or rear yard not less than three (3) feet from any lot line. In the case of a corner lot, the street side yard shall be considered a front yard and no camping or other recreation equipment shall be parked or stored thereupon. In no case shall any camping or other recreation equipment be parked or stored on any public road.
 - (b) Notwithstanding the provisions of Subsection (a) above, camping and recreation equipment may be parked or stored in the front yard subject to all of the following:
 - (1) The Zoning Inspector finds that compliance with Subsection (a) above is not possible.
 - (2) Such equipment shall be parked or stored at least three (3) feet from adjoining property and at least five (5) feet from the street right-of-way, provided however in no case shall the visibility of vehicular traffic upon a public street or alley or visibility of vehicles entering or leaving properties in the area be hindered so as to create a hazardous condition as determined by the Zoning Inspector or other official.
 - (3) Such equipment is parked or stored on concrete, asphalt, gravel, or similar surface.
[eff: 2-28-85]
 - (c) Notwithstanding the provisions of this Subsection, camping and other recreation equipment may be parked at any point on a lot for loading and unloading purposes for a period of time not to exceed forty-eight (48) hours.

Section G (continued)

- (d) No such camping or recreation equipment shall have fixed connections to electricity, gas, water, or sanitary sewer facilities, nor shall such equipment be used as a dwelling in any case.
- 2. No real property owner or occupant shall cause or permit a motor vehicle to be parked or stored in any district in the open for 7 days or longer when either of the following applies:
 - (a) The motor vehicle is apparently disabled as defined in Chapter 10. [eff: 3-29-90]
 - (b) The motor vehicle does not bear a valid current license plate. [eff: 3-29-90]
 - (c) This section shall not apply to:
 - (1) Any vehicle stored in an enclosed building.
 - (2) Licensed junk yards or scrap metal processing facilities per Ohio Revised Code, Section 4737.05 to Section 4737.12.
 - (3) Collector's vehicles which bear a current validation sticker and a "Collector's Vehicle" license plate as described in Section 4503.45 of the Ohio Revised Code.
 - (4) Historical vehicles which bear a current validation sticker and a "Historic Vehicle - Ohio" license plate as described in Section 4503.181 of the Ohio Revised Code.
 - (5) Road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, well drilling machinery, ditch digging machinery, farm machinery, trailers used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed of twenty-five miles per hour, or less, threshing machinery, hay baling machinery, corn sheller, hammermill and agricultural tractors and machinery used in the production of horticultural, agricultural, and vegetable products.
 - (d) Procedure:

Notification by certified mail that the real property owner or occupant shall have thirty (30) days after receipt of the letter to either:

 - (1) Remove the vehicle(s) from the premises,
 - (2) store or park said vehicle(s) in an enclosed building; or
 - (3) meet the standards for a non-disabled vehicle.
- 3. School buses may be parked or stored in the A-1, O-1, and I-1 Districts or in any "B" District. If parked or stored in any "R" District, school buses may be parked or stored entirely within an enclosed building, or if not within an enclosed building, shall be parked or stored in the side or rear yard not less than three (3) feet from any lot line. In the case of a corner lot in an "R" District, the street side yard shall be considered a front yard and no school bus shall be parked or stored thereupon. [eff: 3-29-90]

Section G (continued)

4. Semi-trailers and other commercial vehicles may be parked or stored in the I-1 District or in any B-3 or B-4 District. Whenever the adjoining lot is in the A-1, or any "R" District, the semi-trailers or other commercial vehicles shall be parked or stored a distance of thirty (30) feet from such lot line. [eff: 3-29-90]

Section H - Miscellaneous

1. Frontage Required: All lots created after the adoption of these Regulations shall have frontage on a public dedicated and accepted thoroughfare other than a controlled or limited access thoroughfare.
 - (a) The minimum frontage for each lot, parcel, or tract shall be as noted in Chapter 2. [eff: 4-4-96]
 - (b) Notwithstanding other sections of these regulations, lots, parcels, or tracts created after the adoption of these regulations shall have the minimum frontage (in accordance with 1. above) as follows: [eff: 4-4-96]

<u>LOT SIZE:</u>	<u>MINIMUM FRONTAGE:</u>
5 to 10 Acres	250'
More than 10 Acres	350'

2. Unsafe Buildings: Nothing in these Regulations shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.
3. Exceptions to Height Limitations: The building height limitations set forth in these Regulations shall not apply to structures such as church spires, domes, flag poles, windmills, chimneys, cooling towers, smokestacks, tanks, water towers, transmission and receiving towers, private radio and television antennas, observation towers, fire towers, barns, silos, or necessary mechanical appurtenances which may be erected to any safe and lawful height; or to parapet walls extending not more than four (4) feet above the limiting height of the building or structure; or to places of public assembly in churches, schools, or other permitted public and quasi-public buildings, provided that the places of public assembly are located on the first floor of such buildings and provided that, for each three (3) feet by which the height of such building exceeds the maximum height otherwise permitted in the District, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the District. In no instance shall such structures occupy more than twenty-five (25) percent of the area of the lot, nor extend higher than the distance between the structure and any lot line of the lot upon which the structure is located. The Board of Zoning Appeals may permit the extension upward of a building existing at the time of enactment of these Regulations by the construction of additional stories above the height limit herein prescribed if the original plans approved by the Inspector of Buildings provided for such additional stories and such buildings were actually designed and constructed to carry such additional stories.
4. Structure Separation: Shall be in accordance with the Building Code or other applicable regulations. [eff: 3-29-90]

Section H (continued)

5. Sanitary Sewer Requirements and Pollution Control: All uses shall be conducted in conformance with regulations promulgated by the Environmental Protection Agency and the Clark County Health Department. Prior to the issuance of any Zoning Certificate, evidence of compliance with said regulations shall be presented to the Zoning Inspector. [eff: 3-29-90]
 - (a) When a use is being connected to a public water and/or sewer system, proof that said utility is available and of sufficient size to accommodate the use is required by the appropriate authority and will be connected to approved utility prior to final inspection; or [eff: 3-29-90]
 - (b) Where neither public water nor sewerage systems are accessible, the minimum lot area requirement shall be increased to one (1) acre and the minimum lot frontage requirement shall be increased to one hundred-fifty (150) feet, except in Zoning Districts where the lot area and/or frontage requirements are greater, in which case the more restrictive requirements shall govern. [eff: 3-29-90]
6. Water Impoundments: All water impoundments such as ponds, lakes, or swimming pools shall be constructed and developed in compliance with the following standards:
 - (a) No impoundment shall be located closer than twenty-five (25) feet to the right-of-way line of any adjacent public right-of-way.
 - (b) No private swimming pool shall be located in a front yard.
 - (c) All installed swimming pools, or the entire property upon which it is located, shall be walled or fenced to prevent uncontrolled access by individuals from the street or from adjacent properties. Said fence or wall shall be not less than four (4) feet in height measured from the finished grade, and shall be maintained in good condition with a gate and lock, and shall be constructed of such material so as to preclude penetration by any child or adult.
7. Keeping of Animals: No animals, except household pets, shall be kept on any parcel of less than five (5) acres unless the building housing said animals is at least fifty (50) feet from any lot line. This Subsection shall apply only to those parcels where the total landholdings of the using party is five (5) acres or less, and shall not be construed to apply to individual pens, pastures, or fields of less than five (5) acres if part of a larger tract of land devoted to agricultural uses.
 - (a) Fencing shall be provided per Section E of this chapter or other approved methods as imposed by the Zoning Inspector. [eff: 4-4-96]
8. Emergency Housing: The Zoning Inspector may, in times of emergency, permit the placement of not more than one (1) mobile home on a lot for use as temporary housing by any family or resident whose dwelling has been rendered uninhabitable by flooding, fire, wind, or other catastrophe. Such mobile home may remain on the lot for a period not to exceed one (1) year and may be occupied only as long as reconstruction of the original dwelling or construction of a new, permanent dwelling is underway.
9. Solar Access: The use of solar energy systems including solar collectors, storage facilities, and distribution components for the purpose of providing energy for heating and/or cooling is a Permitted Use within any Zoning District, whether as a part of a building or structure or incidental to a group of buildings or structures in the nearby vicinity. In any Zoning District, it is unlawful for the owner or possessor of real property to erect a building or structure, or

Section H (continued)

to allow a tree, shrub, or other flora to cast a shadow upon a solar collector which is greater than the shadow cast by a hypothetical wall seven (7) feet in height located along the property line, between the hours of eight o'clock (8:00) A.M. and four o'clock (4:00) P.M. during the period of the year from September 21 to March 20 or between the hours of seven o'clock (7:00) A.M. and five o'clock (5:00) P.M. during the period of the year from March 21 to September 20. All times of the day used in this Subsection correspond to Eastern Standard Time.

10. Extension of Use on Border of District: The extension of a use or building into a more restricted Zoning District immediately adjacent thereto may be permitted by the Board of Zoning Appeals, upon proper application, under such conditions as will safeguard development in the more restricted District.
11. Single Dwelling Per Lot: Only one (1) single-family dwelling shall be permitted on a parcel of land in the A-1, R-1, R-1A, R-2, R-2A, or R-2B Zoning District. This shall also apply to any PUD or R-MHP Zoning District in whole or in part which is designated for single-family type occupancy. [eff: 10-17-85]
12. Traffic Visibility: Nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede the vision of an operator of a motor vehicle on a public right-of-way. [eff: 10-17-85]
13. Public facilities: these uses shall be permitted in any zoning district provided they comply with the least restrictive setback of said zoning district for a principal permitted use. Public facilities include fire houses, garages, town halls, fairgrounds, exhibition halls, and similar buildings and uses of a local, state, or federal government entity. [eff: 9-17-98]

Section I - Treatment, Storage, and Disposal of Hazardous Substances

PURPOSE - The purpose of this section of the Clark County Zoning Resolution is to regulate potential problem areas in dealing with hazardous substances that are not covered by Federal and State laws.

It is not the intent of this Resolution to override, displace, or negate any Federal or State laws that are or will be in effect concerning hazardous substances.

1. Rule by Reference: The Clark County Zoning Resolution shall comply with all regulations adopted by the Administrator of the United States Environmental Protection Agency under the "Resource Conservation and Recovery Act", 42 U.S.C. Sec 6901 et. seq., and the Director of Environmental Protection under Ohio Revised Code Section 3734.12. These regulations and all subsequent amendments are hereby incorporated by reference and made a part of this rule as if fully stated herein.
2. Definition: For the purposes of this section, the following words and phrases shall have the following meaning ascribed to them respectively:
 - (a) "Hazardous Substances" means any of the following:
 - (1) Any Hazardous Waste
 - (2) Any Radioactive Material
 - (3) PCBs (polychlorinated biphenyls)
 - (b) "Hazardous Wastes" means any waste or combination of wastes in solid, liquid, semisolid, or contained gaseous form that in the determination of the EPA, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

Section I (continued)

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness: OR
- (2) Pose a substantial present or potential hazard to human health or safety or to the environment when improperly stored, treated, transported, disposed of, or otherwise managed.

Hazardous wastes include any substance identified as a hazardous waste by the U.S. EPA, Ohio EPA, or is listed in the Code of Federal Regulations (CFR), Title 40, Part 261, Subpart A 261.3 and all other subparts that define, describe and identify hazardous waste. All subsequent amendments to the CFR, Title 40, Part 261 which define, describe and identify hazardous wastes will automatically become a part of this section as of the effective dates of each amendment, subject to the provisions of this section.

- (c) "PCB" and "PCBs" means any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances, or mixture which contains chlorinated biphenyl molecules.
- (d) "PCB Article" means any manufactured article other than a PCB Container that contains PCBs and whose surface(s) has been in direct contact with PCBs. "PCB Article" includes capacitors, transformers, electric motors, pumps, pipes, and any other manufactured item (1) which is formed to a specific shape or design during manufacture, (2) which has end use functions(s) dependent in whole or in part upon its shape or design during end use, and (3) which has either no change of chemical composition during its end use or only those changes of composition which have no commercial purpose separate from that of the PCB Article.
- (e) "PCB Equipment" means any manufactured item, other than a PCB Container or a PCB Article Container, which contains a PCB Article or other PCB Equipment, and includes microwave ovens, electronic equipment, and fluorescent light ballasts and fixtures.
- (f) "PCB Container" means any package, can, bottle, barrel, drum, tank or other device exclusive of a "PCB Article" or "PCB Equipment" that contains PCB or PCBs Article and whose surface(s) has been in direct contact with PCBs.
- (g) "Chemical Substance" except as provided in subparagraph (3) of this paragraph, means any organic, or inorganic substance of a particular molecular identify, including:
 - (1) any combination of such substances occurring in whole or part as a result of a chemical reaction or occurring in nature, and
 - (2) Any element or uncombined radical.
 - (3) Such term does not include:
 - a) Any mixture,
 - b) Any pesticide (as defined in the Federal Insecticide, Fungicide, and Rodenticide Act) when manufactured, processed, or distributed in commerce for use as a pesticide.
 - c) Tobacco or any tobacco product.

Section I (continued)

- d) Any source material, special nuclear material, or by-product material (as such terms are defined in the Atomic Energy Act of 1954, as amended, and regulations issued under such Act, and Energy Reorganization Act of 1974 and any regulations issued under such Act.
 - e) Any article the sale of which is subject to the tax imposed by Section 4181 of the Internal Revenue Code of 1954 (determined without regard to any exemptions from such tax provided by Section 4182 of Section 4221 or any provisions of such Code), and
 - f) Any food, food additive, drug, cosmetic, or device (as such terms are defined in Section 201 of the Federal Food, Drug, and Cosmetic Act when manufactured, processed, or distributed in commerce for use as a food additive, drug, cosmetic, or device.
- (h) "Mixture" means any combination of two or more chemical substances if the combination does not occur in nature and is not, in whole or in part, the result of a chemical reaction; except that such term does include any combination which occurs, in whole or in part, as a result of a chemical reaction if none of the chemical substances comprising the combination is a new chemical substance and if the combination could have been manufactured for commercial purposes without a chemical reaction at the time the chemical substances comprising the combination were combined.
- (i) "By-product" means a chemical substance produced without separate commercial intent during the manufacturing or processing of another chemical substance(s) or mixture(s).
- (j) "Use" - putting into service to attain an end other than disposal.
- (k) "Store for Disposal" means to store, confine or contain for or incidental to discarding, destroying, decontaminating, degrading, reprocessing or recycling of substances whose useful life has been terminated or completed, or which have otherwise been taken out of service.
- (l) "Person" means any natural or legally created artificial person including any individual corporation, partnership, or association. "Person" includes any individual, partnership, association, or corporation engaged in the transportation of passengers or property, as common, contract, or private carrier, or freight forwarded, as those terms are used in the Interstate Commerce Act, as amended.
- (m) "Radioactive Material" means any material or combination of materials, which spontaneously emits ionizing radiation. Materials, in which the estimated specific activity is not greater than 0.002 microcuries per gram of material, and in which the radio-activity is essentially uniformly distributed, are not considered to be radioactive materials.
- (n) "Curie" means an expression of the quantity of radiation in terms of the number of atoms which disintegrate per second; a curie is that quantity of radioactive materials which decays such that 37 billion atoms disintegrate per second.
- (o) "Microcurie" means one millionth of a curie.
- (p) "Waste Oil" - used products primarily derived from petroleum, which includes, but are not limited to, fuel oils, motor oils, gear oils, cutting oils, transmission fluids, hydraulic fluids and dielectric fluids.

Section I (continued)

- (q) "Hazardous Substance Disposal Site" means any chemical waste landfill or incinerator used to dispose of hazardous substances.
- (r) "Chemical Waste Landfill" means a landfill at which protection against risk of injury to health or the environment from migration of hazardous substances to land, water, or the atmosphere is provided from hazardous substances deposited therein by locating, engineering, and operating the landfill in accordance with federal and state law.

3. Treatment, Storage, and Disposal of Hazardous Wastes

- (a) No person shall knowingly, knowingly cause by contract, or negligently discard, dispose, discharge, deposit, inject, dump, spill, leak, spray, place or otherwise cast into or upon any land, whether improved or unimproved, upon any public or private street, roadway or highway, into any drain, gutter, sewer or culvert, into any lake, pond, water course or ditch, or into any pit or excavation, or into or atop of any aquifer, any hazardous waste as described in the Code of Federal Regulations or is listed as a hazardous waste by the U.S. EPA or the Ohio EPA.
- (b) No person shall store for treatment or disposal any hazardous waste as identified in Section I, Part 2, Subpart B. of these regulations unless the person meets the requirements as set forth in Section 3734.02 Part F of the Ohio Revised Code.
- (c) No person shall store for treatment or disposal any hazardous waste within Clark County at any of the following locations:
 - (1) within any flood plain, atop any aquifer, or within any drainage basin of any aquifer, stream, lake, or pond.

4. Disposal and Storage of PCB or PCBs

- (a) No person shall knowingly, knowingly cause by contract, or negligently discard, dispose, discharge, deposit, inject, dump, spill, leak, spray, place or otherwise cast into or upon any land, whether improved or unimproved, upon any public or private street, roadway or highway, into any drain, gutter, sewer or culvert, into any lake, pond, water course or ditch, or into any pit or excavation, or into or atop of any aquifer, any PCB or PCBs either in liquid, crystalline or solid resin form, with Clark County.
- (b) No person shall store or cause any other person or persons by contract or otherwise to store for disposal any PCB or PCBs, regardless of form, in one or more PCB Containers, within Clark County at any of the following locations:
 - (1) within any flood plain, atop any aquifer, or within any drainage basin of any aquifer, stream, lake, or pond;
 - (2) any other location not permitted in Title 40, Part 761 of the U.S. EPA Toxic Substance Control Act.
- (c) (1) The term "PCB" and "PCBs" as used in Section I, 4. refers to any chemical substance, combination of substances, or mixture that contains 50 parts per million (on a dry weight basis) or greater of PCBs, as defined in Section I, 2. (c) factured at any point in the process.

Section I (continued)

- (2) Substances that are regulated by Section I, 4. include, but are not limited to, dielectric fluids, contaminated solvents, waste oils, heat transfer fluids, hydraulic fluids, paints, sludges, slurries, dredge spoils, soils, materials contaminated as a result of spills, and other chemical substances, including impurities and by-products, provided, such chemical substances, or combination of substances of mixtures, regardless of form, contain PCB or PCBs.
 - (d) Storage or use of PCB or PCBs in PCB Articles, or PCB Equipment is not in violation of this Section. Disposal of PCB Articles or PCB Equipment containing any measurable amount of PCB or PCBs therein as regulated in Title 40 of the U.S. EPA Toxic Substance Control Act, is not a violation of this Section.
- 5. Use of PCB or PCBs
 - (a) No person shall use any PCB or PCBs other than its use in the manufacturing or processing of other substances of mixtures, or its use in PCB Articles, PCB Equipment, or its use incidental to placing into service or continuing service of PCB Articles or PCB Equipment, unless said permitted uses are restricted or prohibited by federal or state law.
- 6. Transportation and Shipment of Radioactive Material

No person shall ship or transport into, within, through or out of the County any radioactive material contrary to the applicable federal regulations of the United States Department of Transportation and the United States Nuclear Regulator Commission in effect at date of shipment or transport.
- 7. Application of Other Regulatory Provisions
 - (a) Regardless and notwithstanding the provisions of Section I, 4. of this Chapter, any and all applicable provisions, resolutions and regulations requiring permits for the storage of any hazardous materials are still in full force and effect unless otherwise specifically repealed.
- 8. Exemptions
 - (a) The provisions of this Chapter shall not apply to the storage of disposal of hazardous waste, and PCB or PCBs in any hazardous substance disposal facility specifically approved by either the United States Environmental Protection agency or the Ohio Hazardous Waste Facility Approval Board and which comport to federal and state law.
 - (b) The provisions of Section I, 4. and Section I, 5. of this Chapter shall not apply to the use of waste samples of PCB or PCBs, samples of other substances or material containing PCB or PCBs, poor PCB or PCBs reference samples for or in conducting analytical tests to determine the composition of characteristics of the sample.
 - (c) The provisions of Section I, 3. of this Chapter shall not apply to the discharge of waste water or waste water derivatives authorized under a valid National Pollution Discharge Elimination System permit, or otherwise authorized to be discharged into a publicly-owned water treatment works.
 - (d) The provisions of Section I, 4. (d) shall not apply to the temporary storage of PCB or PCBs taken out of service, provided:
 - (1) the temporary storage does not exceed 60 days for the date that the PCB or PCBs are taken out of service;

Section I (continued)

- (2) the PCB or PCBs being temporarily stored were previously placed into use and taken out of service within Clark County;
 - (3) the PCB or PCBs being temporarily stored remain in the possession, custody, control or ownership of the person who used the PCB or PCBs;
 - (4) the previous use of the PCBs being temporarily stored was in conformance with Section I, 5. of this Chapter;
 - (5) the PCB or PCBs being temporarily stored are separately containerized according to the date removed from service; and
 - (6) the date that the PCB or PCBs are taken out of service and an indication that the containerized substance or mixture is PCB or PCBs is clearly and indelibly marked on each respective storage container utilized whether a "PCB Container", or other container, or receptacle. The date so marked shall be prima facie evidence of the date the PCB or PCBs were taken out of service.
- (e) Notwithstanding the provisions of Section I, 8. (d) above, the provisions of Section I, 4. (d) of this Chapter shall not apply to the temporary storage or temporary accumulation of PCB or PCBs taken out of service and being temporarily stored or temporarily accumulated, prior to the effective date of this resolution, which storage or accumulation is prior to the movement of the PCB or PCBs off site for disposal at an other location outside Clark County.
- (1) the incidental temporary storage or accumulation does not exceed 60 days from the date that respective PCB or PCBs were taken out of service; and
 - (2) the date or dates the PCB or PCBs were taken out of service are clearly and indelibly marked on each respective storage container, whether a "PCB Container", or other container or receptacle in which the PCB or PCBs are being temporarily stored or temporarily accumulated, together with a clear and indelible indication that the particular containerized substance or mixture is PCB or PCBs. The date or dates so marked shall be prima facie evidence of the date or dates the PCB or PCBs were taken out of service.

9. Inspections

- (a) The law enforcement officer, or building, housing, or zoning inspector shall have the authority to inspect all structures and premises, as often as may be necessary for the purpose of ascertaining or causing to be corrected, any condition which may be a violation of this Section, or otherwise enforcing any of the provisions of this Section.

10. Right of Entry

Whenever necessary for the purpose of enforcing the provisions of this Section, or whenever any law enforcement officer, or any building, housing, or zoning inspector has reasonable cause to believe that there exists in any structure or upon any premises, any condition which constitutes a violation of this Section, said officials may enter such structure or premises at all reasonable times to inspect the same, or to perform any duty imposed upon any of said respective officials by law; provided that if said structure or premises be occupied, he shall first present proper credentials and request entry. If such entry is refused, the official seeking entry shall have recourse to every remedy provided by law to secure entry.

CHAPTER 9

ADMINISTRATION AND ENFORCEMENT

CHAPTER 9

ADMINISTRATION AND ENFORCEMENT

Section A - General Provisions

The formulation, administration, and enforcement of these Zoning Regulations is hereby vested in the following offices of Clark County:

1. Rural Zoning Commission
2. Zoning Inspector
3. Board of Zoning Appeals
4. Board of County Commissioners
5. County Planning Commission

All departments, officials, and public employees of Clark County which are vested with the duty or authority to issue permits, certificates, or licenses shall conform to the provisions of these Regulations and shall issue no permit, certificate, or license for any use, building, structure, or purpose if same is in conflict with the provisions of these Regulations. Any permit, certificate, or license issued in conflict with the provisions of these Regulations shall be deemed null and void.

Section B - Rural Zoning Commission [amended, eff: 11-30-00]

1. Membership. Membership shall be in accordance with the Ohio Revised Code - 303.04.

Commentary:

The Rural Zoning Commission shall consist of five regular (5) members (none of whom shall be concurrently appointed as members of the Board of Zoning Appeals) and may include two (2) alternate members. All members must be residents of the unincorporated area of the County that is subject to these Zoning Regulations.

Vacancies shall be filled by the Board of County Commissioners and shall be for the unexpired term.

2. Powers and Duties. The powers and duties of the Rural Zoning Commission shall be the following:
 - (a) Request the County Planning Commission to prepare or make available a zoning plan, including text and map(s), for the unincorporated area of the County or any portion thereof.

Section B (continued)

- (b) Hold required public hearings, notice of which shall be given in accordance with the Ohio Revised Code.
 - (c) Submit the proposed Zoning Regulations, including text and Official Zoning District Map(s), and all proposed zone changes, to the County Planning Commission, and then certify the proposed zoning or rezoning along with their recommendation and the County Planning Commission's recommendation, to the Board of County Commissioners.
 - (d) Initiate Official Zoning District Map changes, or changes in the text of the Zoning Regulations where same will promote the best interest of the public in general.
 - (e) Submit Plans for Development within the Planned Unit Development District, Planned Commercial Development District, and Residential Mobile Home Park District to the County Planning Commission, and then certify such plans, along with their recommendation and the County Planning Commission's recommendation regarding such plans, to the Board of County Commissioners.
 - (f) Employ or contract with such planning consultants and executive and other assistants as it deems necessary, within the limits of the monies appropriated by the Board of County Commissioners for the purpose. Such consultants and assistants shall be the same as those provided for the County Planning Commission if so ordered by the Board of County Commissioners.
 - (g) Organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations.
 - (h) Make use of such information and counsel as is available from appropriate public officials, departments, and agencies; and such officials, departments, and agencies having information, maps, and data pertinent to County zoning shall make them available for the use of the Rural Zoning Commission.
3. Meetings and Agenda of Rural Zoning Commission. The Rural Zoning Commission shall adopt rules of procedure governing the establishment of dates and times for its meetings and the conduct of each meeting. All meetings of the Rural Zoning Commission shall be open to the public.
4. Minutes. The minutes of each meeting of the Rural Zoning Commission shall be kept on file in the office of the Rural Zoning Commission with the other zoning records. Said minutes shall be open for public inspection during Commission meetings and normal business hours.

Section C - Zoning Inspector

The Board of County Commissioners shall appoint a Zoning Inspector and affix his/her compensation, if any. It shall be the duty of the Zoning Inspector to:

- 1. Enforce the provisions of these Regulations.
- 2. Interpret the Zoning Regulations text and Official Zoning District Map(s).
- 3. Issue Zoning Certificates in accordance with these Regulations, and maintain a complete record of all Zoning Certificates issued.

Section C (continued)

4. Act upon all applications within ten (10) days of their date of filing. A Zoning Certificate or written notification and explanation of refusal shall be issued to the applicant within said ten (10) days. Failure to notify the applicant of such refusal within this period shall entitle the applicant to submit his/her request to the Board of Zoning Appeals.
5. Determine whether various uses of land within the unincorporated area of the County are in compliance with these Regulations. Where violations exist, the Zoning Inspector shall notify in writing the person(s) responsible and specify the exact nature of the violation.
6. Maintain and keep the permanent records required by these Regulations, including but not limited to the Official Zoning District Map(s), Zoning Certificates, inspections, and all official zoning actions of the Board of County Commissioners. Such records shall be made available for use by the Board of County Commissioners, Rural Zoning Commission, Board of Zoning Appeals, County Planning Commission, and the public.

Section D - Board of Zoning Appeals [amended, eff: 11-30-00]

1. Membership. Membership shall be in accordance with the Ohio Revised Code - 303.13.

Commentary:

The Board of Zoning Appeals shall consist of five (5) regular members and may include two (2) alternate members who are residents of the unincorporated area of the County that is subject to these Zoning Regulations, provided that, if three (3) or more townships are zoned, no more than two (2) members of the Board shall be from any one (1) township. Vacancies shall be filled by the Board of County Commissioners and shall be for the unexpired term.

2. Organization. The Board of Zoning Appeals shall organize, elect a chairperson and vice chairperson, and adopt rules of procedure governing the establishment of dates and times for its meetings and the conduct of each meeting. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of County Commissioners and shall be a public record.
3. Jurisdiction. The Board of Zoning Appeals shall have the following powers:
 - (a) Administrative Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the administration and enforcement of the provisions of these Regulations.
 - (1) Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the County affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector from whom the appeal is taken, and with the Board of Zoning Appeals, a notice of appeal specifying the grounds thereof.
 - (2) The Zoning Inspector from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

Section D (continued)

- (3) The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten (10) days written notice by ordinary mail to the parties in interest, give notice of such public hearing by one (1) publication in a newspaper of general circulation within the County at least ten (10) days before the date of such hearing, and decide the appeal within a reasonable time after it is submitted. The Board of Zoning Appeals may, in accordance with its rules, require the giving of additional notice and specify the manner in which the same shall be given. At the hearing, any party may appear in person or be represented by an attorney.
- (b) Variances. To authorize upon appeal by reasons of exceptional narrowness, shallowness, shape, topographic conditions, or other extraordinary situation or condition of a lot, a Variance from strict application of the provisions of these Regulations to relieve exceptional difficulties or undue hardship, provided said relief can be granted without substantial detriment to the public good and does not substantially impair the intent of these Regulations. No Variance shall be granted unless the Board of Zoning Appeals finds that all of the following conditions exist:
 - (1) The special circumstances or conditions applying to the building or land in question are peculiar to such lot or property, and do not result from the actions of the applicant, and do not apply generally to other land or buildings in the vicinity.
 - (2) The granting of the application is necessary for the preservation and enjoyment of the substantial property right and not merely to serve as a convenience to the applicant.
 - (3) The proposed Variance will not constitute a change, including a variation in use, on the Official Zoning District Map(s). In no case shall the Board of Zoning Appeals approve a Variance for a use which is not a Permitted Use in the Zoning District in which the property, building, or structure is located.

Written application for a Variance shall be made to the Zoning Inspector who shall transmit said application, together with plans, specifications, and any papers pertaining to the application, to the Board of Zoning Appeals. The Board of Zoning Appeals shall cause a public hearing to be held. The Board of Zoning Appeals shall give written notice by ordinary mail to all owners of land within two hundred (200) feet of the exterior boundaries of the land for which a Variance is requested. An application for a Variance shall be advertised at least once, ten (10) days in advance of the time set for the public hearing, in a newspaper of general circulation within the County. The Board of Zoning Appeals may, in accordance with its rules, require the giving of additional notice and specify the manner in which the same shall be given. At the hearing, any party may appear in person or be represented by an attorney.

In granting any Variance under the provisions of this Section, the Board of Zoning Appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions in the application on which the Variance is granted. In no case shall a Variance granted by the Board of Zoning Appeals violate existing subject easement provisions, or local or state health, fire, environmental, or other applicable codes.

- (c) Conditional Uses. The Board of Zoning Appeals shall hear and decide upon, in accordance with the provisions of Chapter 7 of these Regulations, applications for Conditional Uses.

Section D (continued)

4. Interpretation of Zoning Text and Map(s). Upon appeal from a decision by the Zoning Inspector, the Board of Zoning Appeals shall have the power to decide any question involving the interpretation of the Zoning Text or Map(s) as set forth in Chapter 1, Sections J and K.
5. Decision of Board. In exercising the above-mentioned powers, the Board of Zoning Appeals may, in conformity with this Section, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.
6. Public Information. All communications to members of the Board of Zoning Appeals, written or oral which shall be reduced to writing, pertaining to any matter before the Board, shall be made a part of the record. The record of the Board's proceeding in any matter shall be kept on file in the office of the Board of Zoning Appeals, subject to the order of the Clark County Common Pleas Court, and available for inspection by the public.
7. Record. For any hearing at which the applicant desires a record to be made, the applicant shall provide a court reporter to make such record at the applicant's expense. In all hearings wherein no request has been made for a record, the minutes shall serve as the sole transcript of such hearing.
8. Fees to Accompany Notice of Appeal or Application for Variance or Conditional Use. For all actions of the Board of Zoning Appeals, the Board of County Commissioners shall establish fees to be deposited with each application. Such fees shall be required for each application to defray the costs of advertising, mailing, and other expenses.

Section E - Board of County Commissioners

The powers and duties of the Board of County Commissioners are the following:

1. Shall appoint five (5) regular members and may appoint two (2) alternate members to a Rural Zoning Commission whose function it is to initiate or review proposed text amendments or changes of Zoning Districts on the Official Zoning District Map(s), as specified in Sect. B. [eff: 6-1-2000]
2. Appoint a Zoning Inspector to administer and enforce the provisions of these Zoning Regulations, in accordance with the functions enumerated in Section C.
3. Shall appoint a five (5) regular members and may appoint two (2) alternate members to a Board of Zoning Appeals to hear administrative appeals and requests for Variances and Conditional Uses, as specified in Section D. [eff: 6-1-2000]
4. Initiate or act upon suggested amendments to the Zoning Regulations text or Official Zoning District Map(s) following recommendations of the Rural Zoning Commission and review by the County Planning Commission, as specified in Sections B and F.
5. Each written application for a Zoning Certificate shall be accompanied by a filing fee, which shall be forwarded to the County, and shall be utilized to help cover the expenses of the Zoning Inspector, the Rural Zoning Commission, the County Planning Commission, and the Board of Zoning Appeals.

Section F - County Planning Commission

The powers and duties of the County Planning Commission shall be the following:

1. Prepare the Zoning Regulations recommended for the unincorporated area of Clark County or any portion thereof, at the request of the Rural Zoning Commission.
2. Review the proposed Zoning Regulations, including text and Official Zoning District Map(s), and all proposed zone changes, and then forward the zoning or rezoning along with their recommendation to the Rural Zoning Commission.
3. Review Development Plans within the Planned Development Districts, and Residential Mobile Home Park District, and make recommendation regarding such plans to the Rural Zoning Commission. [eff: 3-25-03]
4. Employ or contract with such planning consultants and executive and other assistants as it deems necessary, within the limits of the monies appropriated by the Board of County Commissioners for the purpose.

Section G - Administrative Procedures

1. Zoning Certificates

- (a) Requirements. No person shall use, permit use of, locate, erect, construct, reconstruct, enlarge, or structurally alter any non-farm building or structure nor shall any land use be established or changed without obtaining a Zoning Certificate. No Zoning Certificate shall be issued unless the plans for the proposed building, structure, or use fully comply with all the provisions of these Regulations, or unless a written order is obtained from the Board of Zoning Appeals deciding an appeal, Conditional Use, or Variance, as provided by these Regulations. Such Zoning Certificate shall be issued by the Zoning Inspector, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of these Regulations. Failure to obtain a Zoning Certificate prior to such use, location, erection, construction, reconstruction, enlargement, alteration, or change in use shall be deemed a violation of these Regulations and punishable under Section H of this Chapter.
- (b) Application. Application for a Zoning Certificate shall be made in writing to the Zoning Inspector or his/her authorized agent. Each written application shall be signed by the owner or authorized agent attesting to the truthfulness and exactness of all information supplied on the application, and shall indicate the applicant's name, address, and phone number. The application shall contain the following information:
 - (1) One (1) copy of a scale drawing, to be retained by the Zoning Inspector, showing the actual shape and dimensions of the lot to be built upon, or to be changed in its use, in whole or in part;
 - (2) The location of the lot, existing zoning, and land use, including the immediately surrounding area;
 - (3) The location, size, and height of existing buildings or structures on the lot, if any;
 - (4) The location, size, and height of any building or structure to be erected or altered;

Section G (continued)

- (5) The existing or intended use of each building, structure or use of land where no buildings are included;
 - (6) The number of families or dwelling units each building is designed to accommodate, if applicable;
 - (7) The number of off-street parking spaces or loading/unloading berths, if applicable; and
 - (8) Such other information as may be necessary to determine conformance with, and provide for the enforcement of these Regulations.
 - (9) In every case where the lot is not provided and is not proposed to be provided with public water supply and/or the disposal of sanitary wastes by means of public sewers the proposed method of water supply and/or disposal of wastes shall have written approval from the Clark County Health Department.
- (c) Exemption for Agricultural Buildings. Zoning Certificates shall not be required for the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located provided such buildings or structures are not used in the business of retail trade, per O.R.C. 3781.061. Application for an agricultural use exemption shall be made to the Zoning Inspector on such form as prescribed by the Zoning Inspector. Upon determination by the Zoning Inspector that an agricultural use exemption is warranted, a Zoning Certificate shall be issued, without fee, setting forth the agricultural use exemption. Upon determination by the Zoning Inspector that an agricultural use exemption is not warranted, a certificate and application fee shall be required for the structure, building, or use. [eff: 3-29-90]
- (d) Time Limit. If a Zoning Certificate is issued for the purpose of constructing a new building or structure and such construction is not begun within a one (1) year time period, then said Zoning Certificate shall be null and void.
- (e) Temporary Zoning Certificate. A temporary Zoning Certificate may be issued by the Zoning Inspector for those permitted Temporary Uses specified in Chapter 8, Section D of these Regulations, subject to the conditions therein stated.
- (f) Zoning Certificate (Change of Use). No change of use shall be made in any building or part thereof now or hereafter located, constructed, reconstructed, enlarged, or structurally altered except for agricultural purposes, without a Zoning Certificate being issued by the Zoning Inspector. No Zoning Certificate shall be issued to make a change in use unless the changes have been made in conformity with the provisions of these Zoning Regulations, or unless a Variance or special permit has been granted by the Board of Zoning Appeals.
- (g) Non-conforming Uses. Nothing in these Regulations shall prevent the continuance of a Non-conforming Use as hereinbefore authorized unless a discontinuance is necessary for the safety of life or property.
- (h) Records. A record of all Zoning Certificates shall be kept on file in the office of the Zoning Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

Section G (continued)

- (i) Fees. The Board of County Commissioners shall establish fees, charges, and expenses for Zoning Certificates, applications for appeals, variances, etc., and for rezoning and other matters pertaining to this resolution. The fees shall be posted in the office of the Zoning Inspector and may be altered or amended only by the Board of County Commissioners. No final action shall be taken on any application until all applicable fee, charges, or expenses have been paid in full.

2. Text Amendments and Changes of Zoning Districts

- (a) Amendments to the Zoning Regulations may be initiated by motion of the Rural Zoning Commission, by the passage of a resolution by the Board of County Commissioners, or by the filing of an application by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment, with the Rural Zoning Commission. The Board of County Commissioners shall upon the passage of such resolution certify it to the Rural Zoning Commission. The Rural Zoning Commission and Board of County Commissioners shall consider an application for an amendment, whether to the Zoning Regulations text or to the Official Zoning District Map(s) only if the request for a change of zoning meets the following conditions: [eff: 4-4-96]

- (i) Manifest error in the original Zoning Regulations text and/or designations on the Official Zoning District Map(s).
- (ii) Accordance with, or more appropriate conformance to, any existing Official Land Use Plans for the area under consideration.
- (iii) Substantial change in area conditions.
- (iv) Legitimate requirement for additional land area for the particular Zoning District.

The Board of County Commissioners may require the owner or lessee of property filing an application to amend the Zoning Regulation: to pay a fee to defray the cost of advertising, mailing, and other expenses. If the Board of County Commissioners requires such a fee, it shall be required generally, for each application. The Board of County Commissioners shall, upon the passage of such resolution, certify it to the Rural Zoning Commission. [eff 10-17-85]

- (1) Upon the adoption of such motion, or the certification of such resolution or the filing of such application, the Rural Zoning Commission shall set a date for a public hearing, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the Rural Zoning Commission by one (1) publication in one (1) or more newspapers of general circulation in the County at least ten (10) days before the date of such hearing. [eff:4-4-96]
- (2) If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the County Auditor's current tax list, written notice of the hearing shall be mailed by the Rural Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within the contiguous to and directly across the street from such area propose to be rezoned or redistricted to the addresses of such owner appearing on the County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment. [eff: 10-17-85]

Section G (continued)

- (3) The published and mailed notices shall contain those items as specified in the Ohio Revised Code. [eff: 10-17-85]
- (4) Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application, the Rural Zoning Commission shall transmit a copy thereof together with text and map(s) pertaining thereto to the County Planning Commission.
- (5) The County Planning Commission shall recommend the approval or denial of the proposed amendment, or the approval of some modification thereof, and shall submit such recommendation to the Rural Zoning Commission. Such recommendation shall be considered at the public hearing held by the Rural Zoning Commission on such proposed amendment. [eff: 10-17-85]
- (6) The Rural Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment, or the approval of some modification thereof and shall certify and submit such recommendation together with such application or resolution, the text and map(s) pertaining thereto, and the recommendation of the County Planning Commission to the Board of County Commissioners. [eff: 10-17- 85]
- (7) The Board of County Commissioners shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Rural Zoning Commission. Notice of such public hearing shall be given by the Board by one (1) publication in one (1) or more newspapers of general circulation in the County, at least ten (10) days before the date of such hearing. [eff: 4-4-96]
- (8) The published and mailed notices shall contain those items as specified in the Ohio Revised Code. [eff: 10-17-85]
- (9) Within twenty (20) days after such public hearing, the Board of County Commissioners shall either adopt or deny the recommendation of the Rural Zoning Commission or adopt some modification thereof. In the event the Board denies or modifies the recommendation of the Rural Zoning Commission, the unanimous vote of the Board shall be required.
- (10) Such amendment adopted by the Board of County Commissioners shall become effective in thirty (30) days after the date of such adoption, unless within thirty (30) days after the amendment there is presented to the Board of County Commissioners a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan, equal to not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of County Commissioners to submit the amendment to the electors of such area, for approval or rejection, at a special election to be held on the day of the next primary or general election. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment, resolution, motion, or application, furnishing the name by which the amendment proposal is known and a brief summary of its contents. In addition to meeting the requirements of this Section, each petition shall be governed by the rules specified in the Ohio Revised Code. [eff: 10-17-85]

Section G (continued)

(11)The form of the petition calling for a zoning referendum and the statement of the circulator shall be governed by the rules specified in the Ohio Revised Code.

(12)No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect. [eff: 10-17-85]

(13)All procedures thereafter shall be in strict compliance with the requirements of the Ohio Revised Code.

(b) On any application for an amendment to the Zoning Regulations at which the applicant desires a record to be made, the applicant shall provide a court reporter to make such record at the applicant's expense. In all hearings where no request has been made for such record, the minutes shall serve as the sole transcript of such hearings. [eff: 10-17-85]

(c) The owner or lessee of property filing an application to amend these Zoning Regulations shall deposit with such application a fee, as prescribed by the Board of County Commissioners, to defray the cost of advertising, mailing, and other expenses. This fee shall be required for each application and the amount of such fee shall be established by the Board of County Commissioners. [eff: 10-17-85]

3. Non-conforming Uses, Buildings, and Lots

(a) Continuance. The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enactment of these Zoning Regulations or any amendments hereto, may be continued, although such use does not conform with these Zoning Regulations or amendments hereto, but if any such Non-conforming Use is voluntarily discontinued for two (2) years or more, any future use shall be in conformity with these Zoning Regulations and amendments hereto.

(b) Restoration. When a structure, the use of which does not conform to the provisions of these Zoning Regulations, is damaged by fire, explosion, flood, earthquake, tornado, or other calamity outside the control of the owner or occupant, to the extent that the cost of restoration is more than fifty (50) percent of its replacement value, it shall not be restored unless in conformity with the provisions set forth in these Zoning Regulations for the District in which it is located. When a structure has not been damaged to the extent of fifty (50) percent, such restoration shall be commenced within two (2) years of such calamity and diligently continued until completed. When a structure has been damaged to the extent of fifty (50) percent or more, such restoration shall be commenced within ninety (90) days of such calamity and diligently continued until completed. Replacement value shall be based upon the replacement cost of the structure prior to the calamity. Replacement value shall be based upon the replacement cost of the structure prior to the calamity, and shall be determined by an independent appraiser hired by the owner. In case of any uncertainty as to the replacement value of a particular structure, the determination of the Clark County Building Official or his/ her representative shall be final. [eff 3-29-90]

(c) Enlargement. No Non-conforming building or use may be enlarged, extended, or otherwise expanded except upon the granting of a Conditional Use by the Board of Zoning Appeals pursuant to this Section.

Section G (continued)

- (1) A Non-conforming Use of a less objectionable nature may be substituted for an existing Non-conforming Use.
- (2) An existing, legal Non-conforming Use which occupied only a portion of an existing structure or premises may be extended throughout such structure or premises.
- (3) The alteration or reconstruction of a Non-conforming Use or building provided that such will make the Non-conforming Use substantially more in character with its surroundings.
- (4) The extension of a Non-conforming Use when such extension will substantially make the Non-conforming Use more in character with its surroundings.

The Board of Zoning Appeals may impose such requirements and conditions as they may deem necessary for the protection of adjacent properties in the public interest.

- (d) Non-conforming Lots. The construction of a conforming structure and/or the conduct of a Permitted Use shall be allowed on any lot of record which has an area and/or lot width less than that required for such structure or Permitted Use in the Zoning District in which the lot is located. Variance of any development standard other than minimum lot area and/or minimum lot width shall be obtained only through action of the Board of Zoning Appeals in accordance with the provisions of this Chapter. Such Non-conforming lots must be in separate ownership and not of continuous frontage with other land in the same ownership on the effective date of the applicable amendment to the Zoning Regulations. Otherwise, development shall be permitted only in accordance with the development standards of the Zoning District in which such ownership is located.

Section H - Enforcement Procedures

1. Enforcement. These Regulations shall be enforced by the Zoning Inspector as may be designated by the Board of County Commissioners. The Zoning Inspector is hereby authorized to enter upon any property or premises to ascertain whether the provisions of these Regulations are being complied with. The Zoning Inspector is hereby authorized to refuse, deny, and/or void any use, application, material, data, request, or certificate which circumvents, or attempts to circumvent, the intent of these regulations or any approval which was granted based on false, misleading, or misrepresented information. [eff: 4-4-96]
2. Revocation of Zoning Certificate. Any Zoning Certificate issued upon a false statement shall be void, and such false statement shall be deemed a violation of these Regulations. Zoning Certificates issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement set forth in such approved plans and applications, and construction at variance with that authorized shall be deemed a violation of these Regulations. Whenever the fact of such unauthorized variance in plans or false statement shall be established to the satisfaction of the Zoning Inspector, the Zoning Certificate shall be revoked by notice in writing to be delivered to the holder of the void Certificate upon the premises concerned, or in some conspicuous place upon said premises. Any person who shall proceed thereafter with such work or use without having obtained a new Zoning Certificate, in accordance with these Regulations, shall be deemed guilty of a separate violation thereof. Violations shall be punishable as provided in Part 6 of this Section.

Section H (continued)

3. Invalidity of a Part. If any chapter, section, subsection, paragraph, sentence, or phrase of these Regulations is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these Regulations.
4. Repeal of Existing Resolutions. All resolutions, regulations, or parts thereof inconsistent with or in conflict with these Zoning Regulations and all additions and amendments thereto, are hereby repealed by the adoption of these Regulations.
5. Violation. In case any building is, or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is, or is proposed to be used in violation of these Regulations or any amendment or supplement thereto, the Board of County Commissioners, the County Prosecuting Attorney, the Zoning Inspector, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.
6. Fine. Any person, firm, or corporation violating any provision of these Regulations or amendments or supplements thereto shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined an amount in accordance with ORC 303.99. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues shall be deemed a separate offense.

Commentary:

The current fine is not more than five hundred dollars for each offense.

[amended, eff: 11-30-00]

CHAPTER 10

GLOSSARY OF DEFINITIONS

CHAPTER 10

GLOSSARY OF DEFINITIONS

Unless a contrary meaning is required by the context or is specifically prescribed, the following definitions shall be used in the interpretation and construction of these Regulations. Terms not herein defined shall have the meaning customarily assigned to them. In case there is further question as to the meaning of terms not herein defined, the definitions cited in the latest edition of Webster's New International Dictionary of the English Language (G. and C. Merriam Company, publisher) shall apply.

Accessory Building or Use: An accessory building or use is one which:

- (a) is subordinate to & serves the principal building or principal use;
- (b) is subordinate in area, extent, or purpose to the principal building or principal use served;
- (c) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and
- (d) is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.

Accountability: The provision that a governmental agency is legally responsible for the welfare of the clientele of a group care home and as such can exercise control over the operator of such facilities in order to insure that the provisions of these Regulations are being met and that adequate operational and occupancy standards are being maintained.

Acre: A measure of land area. One (1) acre shall equal forty-three thousand, five hundred sixty (43,560) square feet.

Adult Bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.

Adult Entertainment Establishment: Any establishment involved in the sale or service of products characterized by the exposure or presentation of specified anatomical areas as defined herein, or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment establishments are photography, dancing, reading, massage, and/or similar functions which utilize activities as specified above; and such establishments include specifically adult bookstores, adult motion picture theatres, and adult mini-motion picture theatres, as defined herein.

Adult Mini-Motion Picture Theatre: A facility with a capacity of less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein, for observation by patrons therein.

Adult Motion Picture Theatre: A facility with a capacity of fifty (50) or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein, for observation by patrons therein. Agricultural Purposes: See "Agriculture". [eff: 3-29-90]

Agricultural Related Processing and Marketing: Those commercial activities which provide direct primary support to the farm community, including, but not limited to feed, fuel, agricultural chemicals, farm supply sales and repair, custom butcher shop, and animal health. Agricultural related processing and marketing shall not be construed to include farm markets as defined herein. [eff: 3-29-90]

Agricultural Use: See "Agriculture".

Agriculture: Includes agriculture, dairying, farming, floriculture, apiculture, horticulture, ornamental horticulture, pasturage, viticulture, aquaculture, olerculture, pomiculture, and animal and poultry husbandry. [eff: 3-29-90]

Airport: A tract of land designated and set aside for the landing and take-off of commercial and/or non-commercial aircraft, for the discharge or receiving of cargo and/or passengers, or for the repair, fueling, or storage of aircraft; and which contains facilities for aircraft, including specifically a paved strip on which airplanes land and take-off. An airport shall not be construed to be a private landing field as defined herein.

Alley: A public or private way with a right-of-way not more than thirty (30) feet wide, affording only secondary means of access to abutting property.

Apartment: A portion of a building comprising a single dwelling unit consisting of a room or suite of rooms intended, designed, or used as a permanent residence by an individual or one (1) family.

Automotive Body Shop: Any structure or use intended for collision service, repair or painting of motor vehicles. [eff: 3-29-90]

Automotive Repair: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, and steam cleaning of vehicles in association with a repair garage. [eff: 3-29-90]

Automotive Repair Garage: A building or structure used or intended to be used for the care, repair or similar major or mechanical work, with or without provisions for the dispensing of oil, gasoline, or similar products for the servicing of such vehicles, for profit. [eff: 3-29-90]

Automotive Service Station: Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicles accessories may be supplied and dispensed at retail; and where minor mechanical work including motor tune-up, tire servicing, replacement of mufflers, radiator cleaning, repairing brakes and other minor work not involving removal of the vehicle motor, the motor head or crank case, and not involving body work, painting, welding or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found on filling stations. A filling station is not a repair garage as defined herein. Other permitted uses include sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations. [eff: 3-29-90]

Automotive Wrecking: The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts. [eff: 3-29-90]

Balcony: A platform, enclosed by a parapet or railing, projecting from a wall.

Banks and Financial Institutions: Commercial banks, savings and loan associations, brokerage offices, and other similar financial institutions, but not including pawn shops.

Bar or Tavern: Any establishment, public or private, which provides alcoholic beverages for consideration as its primary function. Food may or may not be served on the premises and entertainment may or may not be provided as a secondary function.

Basement: A story whose floor is more than twelve (12) inches, but not more than one-half ($\frac{1}{2}$) of its story height below the average level of the adjoining ground, as distinguished from a "cellar" which is a story more than one-half ($\frac{1}{2}$) below such level. A basement, when used as a dwelling, shall be counted as a story for purposes of height measurement. A cellar shall be counted as a story for the purposes of height measurement only if used for dwelling purposes other than by a janitor or caretaker employed on the premises.

Bed and Breakfast Facilities: Single-family dwellings offering room and board without individual kitchen facilities for up to five (5) persons who are transient. [eff: 4-4-96]

Beginning of Construction: The incorporation of labor and material on a building site.

Billboard: See "Sign".

Board of Zoning Appeals: The Board of Zoning Appeals of Clark County, Ohio. Also referred to as the "Board".

Breezeway: A roofed structure, with or without enclosing walls, connecting an accessory structure to the principal building. [eff: 4-4-96]

Building: Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property. This definition shall not be construed to include mobile homes.

Building, Alteration of: Any change or rearrangement in the supporting members (such as bearing walls, beams, columns, or girders) of a building, or any addition to a building, or movement of a building from one (1) location to another.

Building, Enlargement of: Any increase in the cubic content of a building.

Building, Height of: The vertical distance measured from the finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

Building, Principal: The building in which the main or chief use permitted on the zoning lot is conducted.

Building Line: A line defining the minimum front, side, and rear yard requirements.

Building Permit: A permit issued for the construction or alteration of any building or structure.

Building Setback Line: The line nearest the front and across a lot establishing the minimum open space to be provided between the front line of the building foundation and the front lot line; or the front line of the foundation of enclosed porches or vestibules if nearer the front line than the main foundation, not including steps.

Buildings, Inspector of: The Inspector of Buildings of Clark County, Ohio.

Bulkhead: A retaining wall or structure constructed along fill slopes in order to resist soil slippage and deter erosion.

Business: An occupation, enterprise, undertaking, or employment which engages in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services or where there is the maintenance or operation of an office or offices for the exhibition, sale, or offering of merchandise or services.

Campground: An area of land providing space for or containing two (2) or more recreational vehicles, camping tents, or other similar temporary recreational structures, where they may be parked or erected for a continuous period of time not exceeding sixty (60) days, either free of charge or for a fee. Campgrounds shall include any building, structure, tent, vehicle, or enclosure, used or intended for use as part of the equipment of such campground, and providing sewer, water, electric, or other similar facilities required to permit occupancy of such recreational vehicles or camping tents.

Cemetery: Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes.

Certify: To attest with a signature or seal.

Child Day-Care: Care provided for any part of the twenty-four-hour day for infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians or relatives by blood, marriage, or adoption, in a place or residence other than the child's own home. Places of worship during religious services are not included. [eff: 3-29-90]

Child Day-Care Centers: Any place in which child day care is provided with or without compensation, for thirteen or more children at one time, or any place that is not the permanent residence of the licensee or administrator in which child day care is provided for more than six children. [eff: 3-29-90]

Child Day-Care Home: Any place in which child day care is provided in the permanent residence of the administrator for seven to twelve children or four to twelve children, if four or more are under two years of age. [eff: 3-29-90]

Churches and Similar Places of Worship: A building used principally for religious worship, but the word "church" shall not include or mean an undertaker's chapel or funeral building.

Clinic: A place used for the diagnosis and treatment of sick, ailing, infirm, and injured persons and animals and those who are in need of medical or surgical attention, but limited to outpatients only and not including the sale of drugs or medical supplies.

Commercial Establishment: See "Business".

Commercial Recreation Establishment: Any private, public, or semi-public recreation or amusement facility which is located within an enclosed building or structure and is operated for profit, such as videogame arcades, pinball arcades, or other types of amusement game arcades; tennis or racquetball clubs; bowling alleys, skating rinks, or billiard halls; but not including indoor motion picture theatres.

Commission, Planning: The Clark County Planning Commission.

Commission, Zoning: The Rural Zoning Commission of Clark County, Ohio.

Commissioners, County: The Board of County Commissioners of Clark County, Ohio.

Community Facilities: Structures and uses intended to be of a cultural, educational, recreational, administrative, or service type which provides for areas of public purposes in higher density residential developments. [eff: 3-29-90]

Conditional Use: A use permitted within a district other than a principally permitted use, requiring application for a Conditional Use and approval by the Board of Zoning Appeals that all prior conditions for approval have been met.

Conditioned Use: A use permitted within a district other than a conditionally permitted use, requiring compliance to requirements as specified in chapter 7. [eff: 3-29-90]

County: Clark County, Ohio.

County Recorder: The Recorder of Clark County, Ohio.

Cul-de-sac: That portion of a dead-end street which is located at the opposite end of a street from the outlet and is formed by a circle, the diameter of which is greater than the street right-of-way. The purpose of a cul-de-sac is to permit ease in reversing vehicular direction.

Custom Butcher Shop: The incidental keeping and processing of farm animals for retail trade. [eff: 3-29-90]

Deed Restriction: A legal restriction on the use of land, contained in the deed to the property.

Demolition Disposal Facility: Means a site that is used to bury concrete, cement, stone, rubble, glass, wallboard, framing and finishing lumber, wiring, insulation material, roofing material and the like which results from the razing of buildings for accumulation during remodeling or construction. Also brush which includes tree limbs, tree mulch, tree stumps and residue from maintaining trees and shrubbery, also grass and material accumulated from landscaping operations. However, notwithstanding the previously mentioned items, no material which is considered hazardous and/or toxic under any Federal, state, or local regulation, shall be permitted to be buried or placed in a demolition disposal facility. [eff: 3-29-90]

Density: A unit of measurement; the number of dwelling units per acre of land.

Density, Gross: The number of dwelling units per acre of the total land to be developed, including public ways and open space.

Density, Net: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Detached: Not connected in any manner by walls or other structural supports.

Development Plan: A plan showing uses and structures proposed for a parcel of land, as required by the regulations involved.

Development Standards: Standards controlling the size of structures and the relationships of structures and uses to each other and to open spaces and lot lines. Development standards include but are not limited to regulations controlling maximum height, minimum lot area, minimum lot frontage, minimum size of yards and setbacks, maximum lot coverage, and maximum density.

Disabled Motor Vehicle: Any vehicle not capable of providing its own motive power, or any vehicle unable to pass an Ohio State Highway Patrol safety inspection. [eff: 3-29-90]

District: See "Zoning District".

Dwelling: Is a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation, but not including a tent, cabin, shed, hotel, or motel. [eff: 3-29-90]

Dwelling, Attached: The sharing of a common wall by two (2) or more dwelling units.

Dwelling, Cluster: A single-family dwelling which is located on a lot having side yard dimensions which vary according to the width of the lot to be developed. Cluster dwellings may or may not be attached in some fashion by common walls without openings. Cluster dwellings are intended to allow for imaginative site planning and arrangement of buildings.

Dwelling, Detached: A dwelling unit having no wall in common with another dwelling unit.

Dwelling, Semi-Detached: The partial sharing of a common wall by two (2) or more dwelling units.

Dwelling, Single-Family: A detached building designed for or occupied exclusively for residence purposes by one (1) family or housekeeping unit.

Dwelling, Two-Family: A building designed for or occupied exclusively by two (2) families or housekeeping units living independently of each other.

Dwelling, Three-Family: A building designed for or occupied exclusively by three (3) families or housekeeping units living independently of each other.

Dwelling, Four-Family: A building designed for or occupied exclusively by four (4) families or housekeeping units living independently of each other.

Dwelling, Multiple-Family: A building or portion thereof designed for or occupied by five (5) or more families or housekeeping units living independently of each other.

Dwelling, Zero Lot Line: A single-family dwelling which is located on a lot having side yard dimensions which vary according to the width of the lot to be developed, and which dimension may be reduced to zero (0) feet on one (1) side of the dwelling subject to regulations contained herein. Zero lot line dwellings are intended to allow for imaginative site planning and arrangement of buildings.

Dwelling Unit: Is any building which contains complete living facilities and intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which is occupied for living purposes. [eff: 3-29-90]

Earth Berm: A low, usually linear, mound of earth covered with grass or other landscape materials used to define, screen, protect, and/or enhance the appearance of a particular space or area of land.

Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his/her property.

Eating and Drinking Place: See "Restaurant".

Enclosed Building: Any permanent structure having a roof supported by columns and walls which are opaque.

Essential Services: The erection, construction, alteration, or maintenance, by public utilities or county or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems or collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or county or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

Family: A person living alone, or two (2) or more persons related by blood, marriage, or adoption, or unrelated persons living together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a, motel or hotel, fraternity or sorority house, or other types of contractual living quarters. [eff: 3-29-90]

Farm: An area which is used for the growing of the usual farm products, such as grain, fruit, vegetables, and tobacco, and their packing or storage within the area, as well as used for the raising and breeding of farm animals and poultry, including but not limited to cattle, sheep, horses, and swine, but not constituting a commercial feed lot as defined herein. The necessary accessory uses shall be secondary to that of the normal farming activities.

Farm Market: A building or structure designed or used or intended to be used for the display and/or sale of produce, raised on farms owned or operated by the farm market operator. [eff: 3-29-90]

Feed lot: The operation or maintenance of a commercial stockyard or feedyard. [eff: 3-29-90]

Fence: A barrier constructed of materials other than evergreen shrubbery erected for purposes of protection, confinement, enclosure, or privacy.

Fence, Privacy: A fence erected or constructed with the intention of blocking views into the property from the outside.

Fence, Security: A fence erected or constructed to serve as a barrier to persons, animals, or vehicles entering the property.

Finished Grade: The elevation of the surface of the ground adjoining the building after construction of required parking areas or driveways and after the planting of lawn and shrubbery, or other required improvements.

Filling Station: A filling station is not a repair garage as defined herein. Other permitted uses include sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations. [eff: 3-29-90]

Flood Plain: That area of Clark County which has been determined to be subject to a temporary rise in stream level that results in inundation of the area, whether or not the area is ordinarily covered by water.

Floor Area: The total horizontal area of all floors finished as usable area including roofed porches and roofed terraces. Measurements of floor area shall be taken to the outside of the exterior walls. Floor area shall not include: cellar or basement space; elevator or stair bulkheads; attic space; breezeways, patios, or open porches; uncovered stairs or steps; garages.

Frontage: The property on one (1) side of a street between two (2) intersection streets (crossing or terminating) measured at the building line, or if the street is dead-ended, then all of the property abutting on one (1) end of the street.

Garage: A structure used primarily but not exclusively for the storage of motor vehicles.

Garage Sale: The selling of used or unused household goods normally accumulated in the process of housekeeping. Includes yard sales, porch sales, and rummage sales.

Group Care Home: A facility housing six (6) or more individuals on a twenty-four hour basis who, because of age, mental, or physical disability or other reasons, must live in a supervised environment but are capable of responding to an emergency situation without personal assistance. [eff: 3-29-90]

Handicapped Person: Means any person subject to a physiological impairment regardless of its cause, nature, or extent, and includes all such persons whether ambulatory or confined to a wheelchair. [eff: 4-4-96]

Hedge: A linear massing of closely-spaced shrubs which combine to form a relatively solid vegetative wall.

Home Occupation: An accessory use which is an activity, profession, occupations, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit without any significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, tax consulting and the like shall involve not more than three receivers of such services at any one time with the exception of certified Type B family day-care homes, which constitute a residential use and not an accessory use. [eff: 3-29-90]

Homeowner's Association: A private, non-profit corporation of homeowners established by a developer with local government approval, whose purpose it is to own, operate, and maintain various common properties, including but not limited to open space, private streets, and recreation facilities. Title to common property is held by the corporation.

Hospital: An establishment with a formal organization of physicians, with permanent beds where both sick and accident patients may remain in excess of twenty-four (24) hours, which provides facilities for both medical and surgical diagnosis and treatment, with at least one (1) operating room where major surgery is performed. Such establishment must be certified by the State Department of Health and be accredited by the Joint Commission of Accreditation of Hospitals.

Hospital, Animal: Any building or other enclosed structure containing spaces for any animals not belonging to the operator of such facility which allows for overnight or continuous care, diagnosis and treatment of animal illnesses or injuries.

Household Pet: A domesticated animal kept for pleasure rather than utility. [eff: 4-4-96]

Housekeeping Unit: One (1) or more persons living in a dwelling unit who are not a family.

Identification: That by which a person, thing, product, etc., can be identified or recognized - and those specific symbols, traits, trademarks, characteristics, etc., which provide such recognition.

In the Open: Not located in an enclosed building.

Industry: Storage, repair, manufacture, preparation, or treatment of any article, substance, or commodity.

Institution: A building occupied by a non-profit corporation or establishment for a public use.

Junkyard: A place or structure where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, handled, or stored, or any combination thereof, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including used cars in operable condition, or salvaged materials incidental to manufacturing operations, and not including such places where such uses are conducted entirely within a completely enclosed building or structure. [eff: 3-29-90]

Kennel: A building or structure which may also include outdoor pens or runs for dogs or other animals which are housed or boarded for a fee, or an establishment for the breeding or training of such animals, or any structure or premise on which five (5) or more dogs over four (4) months of age are kept.

Land Use Plan: The long-range plan for the desirable use of land area of Clark County as officially adopted and as amended from time to time by the County Planning Commission. The purpose of such plan is, among other things, to serve as a guide in the zoning and progressive changes in the zoning of land to meet changing community needs, in the subdivision and use of undeveloped land, and in the acquisition of rights-of-way or sites for such public purposes as streets, parks, schools, and public buildings.

Landscaping: Landscaping shall consist of any of the following or combination thereof: materials such as but not limited to grass, hardy ground covers, shrubs, vines, hedges, and trees; and non-living durable material commonly utilized in landscaping, such as but not limited to rocks, pebbles, sand, walls, and fences, but not including paving as a principal design element.

Livable Area: That totally enclosed space within the principal structure having an average ceiling height of a minimum of four (4) feet above the finished grade.

Livable Floor Area: The livable floor area in square feet of existing or proposed buildings or structures or additions thereto shall be computed by multiplying the outside horizontal dimensions with each floor of the livable area. Porches, carports, and similar structures shall not be considered in computing the total livable area.

Loading/Unloading Space: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

Lot: aka parcel or tract - [eff: 11-6-08]

- (a) A parcel of land defined by metes and bounds or boundary lines in a recorded deed or on a recorded plat, fronting on a legally dedicated public thoroughfare. In determining lot area, no part thereof within the limits of the proposed thoroughfare rights-of-way shall be included.
- (b) A parcel as contained on the official tax maps maintained in the Clark County Auditor's Office and is often reference by a Permanent Parcel Number.

Lot, Corner: A lot abutting upon two (2) or more roads or streets at their intersection or upon two (2) parts of the same road or street and in either case forming an interior angle of less than one hundred thirty-five (135) degrees.

Lot, Double Frontage: A lot having frontage on two (2) non-intersecting streets.

Lot, Interior: A lot other than a corner lot with only one (1) frontage on a street.

Lot, Non-Conforming: A legally recorded lot which has less than the required minimum lot size, width, depth, or any combination thereof as specified by the zoning district in which it is located.

Lot, Zoning: A parcel of land abutting a dedicated street, occupied or intended to be occupied by a principally permitted or conditionally permitted use and/or accessory use or a principal or accessory building, as a unit, together with such open spaces as are required by these Zoning Regulations and it may or may not coincide with a lot of record.

Lot Area: The computed area contained within the lot lines, excluding rights-of-way, measured in square feet or acres.

Lot Coverage: That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves, cornices, balconies, canopies, bay windows, fire escapes, patios, open porches, chimneys, outside stairs and landings, and similar structures.

Lot Depth: The mean horizontal distance between the front and the rear lot lines.

Lot Lines: The property lines bounding a lot.

Lot Line, Front: The line separating a lot from a street right-of-way.

Lot Line, Rear: The lot line opposite and most distant from the front lot line.

Lot Line, Side: Any lot line other than front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot Line, Street or Alley: A lot line separating a lot from a street or alley.

Lot of Record: Any lot which individually or as a part of a subdivision has been recorded in the County Recorder's Office or on which the recording has been delayed by mutual consent of the subdivider/developer, and the County.

Lot Split: The division of any parcel of land so as to create two (2) parcels or lots, either of which is less than five (5) acres in size, for the immediate or future purpose of transfer of ownership.

Lot Width: The mean width of the lot measured at right angles to its depth.

Manufactured Farm Home (Mobile Home): A structure transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling without a permanent foundation and without conversion to real estate. For the purpose of these provisions, a mobile home shall be considered a manufactured farm home with a certification from HUD. [eff: 3-29-90]

Manufactured Home: Means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974", 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards. [eff: 9-3-2004]

Manufactured Home Park (Mobile Home): A tract of land under unified control containing five (5) or more acres of land or existing nonconforming lots divided into three (3) or more lots for the accommodation of occupied manufactured mobile homes used for single-family dwelling purposes, and including any roadway, building, structure, or utility used or intended for use as part of the facilities of such parks. [eff: 3-29-90]

Manufacturing: A production or industrial process, including food processing, which combines one or more raw materials or components into a product, or which changes the nature of the materials entering the process.

Manufacturing Retail Outlet: An accessory use to a principally permitted manufacturing use where goods produced on the premises of the manufacturing establishment are offered for sale directly to consumers. The manufacturing retail outlet shall not occupy greater than twenty-five (25) percent of the total floor area of the manufacturing establishment.

Maximum Lot Coverage: The greatest percentage of the total zoning lot which may be occupied by principal and accessory buildings or structures.

Motel or Hotel: A series of attached, semi-detached, or detached sleeping or living units, for the accommodation primarily of automobile transient guests, having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants and including also such accessory commercial uses operated primarily for the convenience of guests and subject to such restrictions as may be specified in the district where located.

Motor Home: A self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, for cooking and consuming of food, and for sleeping.

Nonconforming Use of Land and Buildings: The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enactment of a zoning resolution or amendment thereto, may be continued, although such use does not conform with the provisions of such resolution or amendment. If any such nonconforming use is discontinued for two (2) years or more, any future use of said land or building shall be in conformity with the current zoning resolutions. [eff: 4-4-96]

Non-Conformities: A building, structure, premises, or use thereof, legally existing and/or used at the time of adoption of these Regulations or any amendment thereto, which does not conform with the use regulations of the district in which it is located.

Nursing Homes, Convalescent Homes, Rest Homes, and similar facilities: A facility housing three (3) or more individuals when those individuals are not capable of responding in an emergency situation without personal assistance. [eff: 4-4-96]

Open Space: An open, uncovered area on the same lot with a building. Also an undeveloped or developed area used for recreation (whether passive or active) such as parks, wildlife areas, etc. or other undeveloped areas which should remain undeveloped due to their unique characteristics such as wetlands, geological features, etc.. [eff: 4-4-96]

Original Tract: A contiguous quantity of land held in common ownership which has not been platted by the existing owner or owners since the enactment of these Regulations.

Parcel: An individual lot held under common ownership. - (see Lot)

Parking Area, Off-Street: Any open area other than a street or other public right-of-way used for the temporary storage of automobiles and available to the public whether for a fee, free, or as an accommodation for clients or customers. All off-street parking areas shall conform to the design standards presented in these Regulations and no required off-street parking area shall charge a fee of any type to its users.

Parking Area, Private: An open area for the same use as a private garage.

Parking Area, Public: An open area other than a street or public way, used for the parking of automobiles and available to the public whether for a fee, free, or as an accommodation for clients or customers.

Parking Space: An off-street space, either within a structure or in the open, available for the parking of one (1) motor vehicle, and having a minimum area as noted in these Regulations, exclusive of passageways and driveways appurtenant thereto, and giving access thereto, and having direct access to a street or alley.

Patio: An uncovered area permanently surfaced or constructed as a single, solid slab and usually raised slightly above the lawn surface, the use of which is customarily incidental to that of the main use of the land and which is located on the same lot with the main building or use.

Performance Bond: An agreement by a developer with the County for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the developer's agreement.

Performance Standards: Criteria established to control dust, smoke, fire and explosive hazards, glare, heat, noise, odor, toxic and noxious matter, vibrations, and other conditions created by or inherent in uses of land or buildings.

Permitted Use: A use which is specifically authorized by these Zoning Regulations in a particular zoning district.

Person: A corporation, firm, partnership, association, organization, or any other group acting as a unit, as well as a natural person.

Planned Development (PD): Land under unified control, planned and developed as a whole in a single development operation or a definitely programmed series of development operations including all lands and buildings. Planned Developments are designed and developed subject to the provisions of these Regulations. [eff: 3-25-03]

Planned Unit Development (PUD) [eff: 3-25-03]
See Planned Development Districts (PD)

Porch: An entrance or structure attached to the outside of an outer wall of a building, one (1) or two (2) stories in height, with integral foundations, which is open on three (3) sides, and which may have railings and banisters or a parapet, and which is roofed.

Porch, Open: A porch without a roof and sometimes without railings.

Private Garage: A garage for four or less passenger motor vehicles without provisions for repairing or servicing such vehicles for profit; see automotive repair garage. [eff: 3-29-90]

Private Landing Field: A tract of land which is used or intended to be used for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft or for receiving or discharging passengers or cargo; and which is an accessory use that is used primarily for non-commercial aircraft belonging to or used by the property owner or resident of the building or use to which it is accessory. A private landing field shall not be construed to be an airport as defined herein.

Private or Public Outdoor Recreation Area: Any privately or publicly owned and operated recreation facility or area which is not located within an enclosed building or structure, such as a golf course, tennis courts, ball fields, swimming pools, driving ranges, race tracks, amusement parks, stadiums, motorcross or snowmobile circuits, or campgrounds.

Professional Office: Any building or structure, the use of which is limited to providing professional services such as doctors, lawyers, accountants, architects, engineers, photographers, city planners, government and public service agencies and utilities, and similar professions.

Public Facilities: Any building or structure used by government for administrative or service purposes, but not including buildings devoted solely to the storage and maintenance of equipment and materials.

Public Use: Uses including public parking, schools, and administrative, cultural, and service buildings, but not including public land or buildings devoted solely to the storage and maintenance of equipment and materials.

Public Utility: Any building, power plant, substation, water treatment plant, pumping station, sewage treatment and disposal plant, or other similar public structure, including the furnishing of electrical, gas, telephone, water, and sewerage services.

Reconstruction: See "Substantial Improvement".

Replacement Cost: The construction cost at current prices of the property, less depreciation, that is not necessarily an exact duplicate of the subject property, but serves the same function as the original. [eff: 3-29-90]

Resource and Mineral Extraction: Any mining, quarrying, excavating process, storing, separating, cleaning, or marketing of any mineral natural resource.

Rest Home: See "Convalescent Home".

Restaurant, Carry-Out: An establishment whose primary function is the offering of food and beverages which are sold only inside the building, and are usually packaged to be carried and consumed off the premises, but may be consumed within the restaurant building or on the premises.

Restaurant, Drive-In: An establishment offering food and beverages which are sold within the building, or to persons while in motor vehicles in an area designated for drive-in service, and may be consumed on or off the premises.

Restaurant, Fast Food: Any structure where cooked food and beverages primarily intended for immediate consumption are available upon a short waiting time, and are packaged or presented in such a manner that they can be readily eaten outside the premises where they are sold; and where the facilities for on-premises consumption of the food and beverages are insufficient for the volume of food sold in the place.

Restaurant, Sit-Down: Any structure whose principal use is the sale of foods and beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one (1) or both of the following: 1) customers, normally provided with an individual menu, are served their food and beverages by a restaurant employee at the same table or counter at which said items are consumed; or 2) a cafeteria-type operation where foods and beverages are consumed within the structure.

Retail Establishment: Any business normally found in a business district, where goods or services are offered for sale in small quantities directly to consumers.

Retail Establishment, Drive-Through: A retail business which is laid out, equipped, maintained, advertised, or held out to the public as a place where a limited variety of primarily ready-to-consume foods, beverages, and household or party supplies are offered directly to customers in motor vehicles. Drive-through retail establishments are arranged so that customers may drive through the establishment and be served without leaving their vehicles, and as such, goods sold on the premises shall not be consumed thereupon.

Retaining Wall: A bulkhead or structure constructed along fill slopes in order to resist soil slippage and deter erosion.

Right-of-Way: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Right-of-Way, Proposed: A right-of-way that is proposed for acquisition in order to implement the Official Thoroughfare Plan of Clark County, together with all amendments thereto subsequently adopted.

Rip-Rap: An assemblage of broken or crushed stones erected in water, along stream banks, or on fill slopes in order to strengthen the slope, resist slippage, and deter erosion. The stones shall be reinforced and/or sufficiently anchored to hold them in place.

Rural Farm Housing: The principal residence on a farm.

Rural Non-Farm Housing: A single-family dwelling located in an Agricultural District that is not a principal dwelling on a farm, and that is located on a lot that has been split from a larger tract of land (a "lot split").

Sanitary landfill: Any site, location, tract of land, installation or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes (including a captive landfill) for which a permit to install has been obtained from OEPA. [eff: 6-1-2000]

School, Primary or Secondary: An institution which offers instruction in the several branches of learning and study required to be taught in the public schools by the Ohio Common School Laws. (Secondary includes both junior and senior high).

School Bus: A bus designed for carrying more than nine (9) passengers which is owned by a public, private, or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function.

Screening: To provide privacy of adjoining uses, including masonry walls, solid preservatively treated wood, chain link with solid slats, or landscaped with grass and closely planted shrubs or other evergreen plants. [eff: 4-4-96]

Semitrailer: A vehicle designed or used for carrying persons or property with another and separate motor vehicle, so that in operation, a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle.

Service Establishment: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, barber shops, beauty parlors, and similar activities.

Setback: The minimum distance at which a building may be constructed from a lot line.

Sewerage System, Off-Site: Any wastewater disposal system, such as a septic tank or similar installation which uses an aerobic bacteriological processor equally satisfactory process for the elimination and safe disposal of sewage for a single development, and which is not located on a lot that is to be served by the system. Off-site sewerage systems are subject to approval by the Clark County Health Department.

Sewerage System, Public: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

Shrub: A woody plant that usually remains low and produces shoots or trunks from the base; it is not usually tree-like nor single-stemmed.

Sidewalk: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

Sign or Billboard: Any writing, name, identification, description, display, flag, emblem, insignia, or graphic representation which is contained on a structure or part thereof, or is attached to or painted on a building or structure; said sign being used to advertise direct attention to or announce an object, place, product, person, activity, organization, or business. This definition shall not include any flag, pennant, or insignia of any nation, state, city, or other political units, as well as any sign, board, or surface used to display or announce official notice of such political units.

Sign, Building Mounted: A sign which is affixed to or painted on any exterior wall.

Sign, Free Standing: A sign which is supported by one (1) or more columns, in or upon the ground.

Sign, Ground: A sign erected on a free standing frame, mast, or pole and not attached to any building.

Sign, Political: A sign which announces the candidacy of a person or slate or persons running for elective office, a political party, or issue or slate of issues.

Sign, Portable: A sign which is designed to be easily movable.

Sign Area: The entire area within a single, continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The area of a sign having more than one (1) display surface shall be computed as the total of the exposed exterior display surface area.

Sign Face: The surface of the sign upon, against, or through which the message of the sign is exhibited.

Similar Use or Establishment: A use not specifically listed but similar to any of the permitted building or use classifications of any district.

Site Plan: See "Development Plan".

Slaughterhouse: The butchering of livestock for market, not to be considered custom butcher shop. [eff: 3-29-90]

Solar Collector: Any device or combination of devices or other elements which relies upon direct solar radiation and that is employed in the collection of solar radiation for one (1) or more of the following purposes:

- (a) heating and/or cooling of a building or structure;
- (b) heating of water;
- (c) use in industrial, commercial, or agricultural processes; or
- (d) the generation of electricity.

Specified Anatomical Areas: Less than completely and opaquely covered human genitals, pubic region, buttock, or female breasts below a point immediately above the top of the areola; human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Human genitals in a state of sexual stimulation or arousal; acts, whether real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; fondling or other erotic touching of human genitals, pubic regions, buttock, or female breasts.

Store: As used in these Regulations, "store" shall mean to put away, reserve, or park for future use. "Storage" shall mean the act of storing, the state of being stored, or a building or place for storing goods.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or if there is no floor above, the portion between the floor and the ceiling above; also any portion of a building used for human occupancy between the topmost floor and the roof. A basement shall not be counted as story unless more than one-half (1/2) of the basement height is above grade level at the front of the building.

Story, First: The lowest story or the ground story of any building, the floor of which is not more than four (4) feet below the average contact ground level at the exterior walls of the building; except that any basement or cellar used for residence purposes shall be deemed the first story.

Street: A public right-of-way fifty (50) feet or more in width which provides a public means of access to abutting property, or any such right-of-way more than thirty (30) feet and less than fifty (50) feet in width provided it existed prior to the enactment of these Regulations. Street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

Structural Alteration: Any change, other than incidental repairs, in the supporting members of a building, such as bearing walls, columns, beams, or girders.

Structure: An assembly of materials which forms a construction for occupancy for use, including but not limited to: buildings, antennas, overhead transmission lines, tents, platforms, stages, observation towers, radio and television and telephone towers, water storage tanks, trestles, piers, open sheds, smokestacks, steeples, shelters, fences, display signs, and the like, which shall be construed to mean the whole or parts thereof.

Subdivision Regulations: The regulations pertaining to the division of parcels of land within Clark County into smaller buildable sites, blocks, streets, open spaces, and public areas, as officially adopted and as amended from time to time by the County Planning Commission. The purpose of such regulations is, among other things, to provide an adequate urban pattern by allocating sufficient and convenient open areas for traffic, utilities, recreation, light, air, and the avoidance of congestion of population.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds sixty (60) percent of the market value of the structure either, 1) before the improvement or repair is started, or 2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either 1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or 2) any alteration of a structure listed on the National Register of Historic Places, or a State Inventory of Historic Places.

Swimming Pool: Any pool, pond, or open tank above or below grade level and not located within a wholly enclosed building, and containing or normally capable of containing at any point, water to a depth of greater than twenty-four (24) inches deep or having a surface area greater than two-hundred fifty (250) square feet. [eff: 3-29-90]

Temporary Use: Any non-permanent or intermittent use of land, building, or structure which is permitted by these Regulations.

Thoroughfare, Controlled or Limited Access: A thoroughfare on the interstate highway system, or any other thoroughfare which is so designed as to carry large volumes of through traffic and preclude traffic flow interruptions normally resulting from turning and stopped traffic. Controlled or limited access thoroughfares have no grade crossings and utilize exit and entrance ramps, bridges, merge and exit lanes, and other design features to accomplish unimpeded traffic flow, and are not intended to provide direct access to abutting property. Controlled or limited access thoroughfares shall not be construed as providing lot frontage as required by these Regulations.

Thoroughfare, Major or Secondary: An officially designated Federal or state numbered highway or county or other road designated as a major thoroughfare on the Official Thoroughfare Plan of Clark County, or a county or other road designated as a secondary thoroughfare on said Plan, respectively.

Thoroughfare Plan: The Official Thoroughfare Plan of, and as adopted by, the Clark County Planning Commission, establishing the location and official right-of-way widths of principal highways and streets in the County, on file in the office of the County Recorder and the County Planning Commission, together with all amendments thereto subsequently adopted.

Tract: See "Parcel".

Trailer: Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade, or occupation, or use as a selling or advertising device, or use for storage or conveyance for tools, equipment, or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by other motor power.

Trailer, Construction: A large trailer which is used for the storage and conveyance of tools, machinery, or equipment on, to, or from a construction site and which may be left on the site for the duration of construction as provided by these Regulations.

Trailer, Tent-Type Fold Out Camping: Any non-self-propelled recreational vehicle intended to be used, when stationary, as temporary shelter with living and sleeping facilities.

Trailer, Travel: A non-self-propelled recreational vehicle not exceeding an overall length of thirty (30) feet, exclusive of bumper and tongue or coupling.

Trailer, Utility: A small trailer designed to be towed by a motor vehicle and used primarily for the transportation of commercial or personal goods and/or wares.

Transient: A person, who is usually a boarder, whose stay at a facility is less than thirty (30) days. [eff: 4-4-96]

Transmission/Receiving Tower, Radio or Television or Telecommunication: Any tower-like structure used principally by commercial, non-profit, or public broadcast and telecommunications organizations to transmit or receive communication waves of varying frequencies. Such structures shall not be permitted for private use.

Tree: Any self-supporting woody plant which usually produces one main trunk, and a more or less distinct and elevated head with many branches.

Truck Camper: A non-self-propelled recreational vehicle without wheels, for road use and designed to be placed upon and attached to a motor vehicle. Truck camper shall not be construed to include truck covers or shells which consist of walls and a roof but do not have floors and facilities for using same as temporary shelter.

Use: The activity conducted on or in a particular parcel of land or structure.

Use By Right: A principal permitted use in a particular zoning district which is permitted in that district as legal right under the terms of these Regulations.

Variance: A modification of the literal provisions of these Regulations granted when strict enforcement of these Regulations would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

Vehicle: All automobiles, trucks, motorcycles, trailers, truck campers, recreational vehicles, buses, and boats.

Vehicle, Commercial: Any vehicle commonly used for profit. [eff: 3-29-90]

Vehicle, Motor: Anything on wheels propelled or drawn by power other than muscular power.

Vehicle, Recreational: Any vehicle or appurtenance thereof, self-propelled or non-self-propelled, which is designed, constructed, used, or intended for use primarily as temporary shelter, and whose principal function is to serve a recreational and/or entertainment purpose. Recreational vehicles include travel trailers, motor homes, truck campers, and tent-type fold out camping trailers.

Videogame, Pinball, and Other Amusement Game Arcades: Any business location in which there are four (4) or more coin-operated amusement devices, coin-operated games of skill, or any combination thereof available for use by the public and/or invitees.

Wall: A boundary enclosure or separating barrier which is usually opaque.

Wall, Common: A wall containing no opening which extends from the elevation of building footings to the elevation of the outer surface of the roof or higher, and which separates contiguous buildings but is in joint use for each building.

Warehouse: A building or structure which use is limited to the storage of equipment or material.

Water System, Off-Site: See "Water System, Public".

Water System, Public: An approved water supply system which provides a distribution system and water treatment facility for a single development, community, or region.

Wholesale Establishment: An establishment that engages in the sale of goods, merchandise, and commodities for resale by the purchaser.

Yard: A space on the same lot with a main building, open, unoccupied, and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in these Regulations.

Yard, Front: A yard extending across the full width of the lot, the depth of which shall be the least perpendicular distance between the front lot line and the front of the main building.

Yard, Front (Least Depth): The shortest distance, measured horizontally between any part of a building and the right-of-way line of the existing street on which the lot fronts, i.e. the front lot line; provided, however, that if the proposed location of the right-of-way line of such street as established on the Official Thoroughfare Plan differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated on the Official Thoroughfare Plan.

Yard, Rear: A yard extending the full width of the lot between the rear-most main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such main building. Where a rear lot line abuts an alley, one-half (½) of the alley width may be considered as part of the rear yard.

Yard, Rear (Least Depth): An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as herein specified.

Yard, Side: A yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally and perpendicularly from the nearest point of the side lot line toward the nearest part of the main building. Where a side lot line abuts an alley, one-half (½) of the alley width may be counted toward the side yard requirement.

Yard, Side (Least Width): The shortest distance, measured horizontally, between any part of a building, other than such parts herein excepted, and the nearest side lot line.

Yard, Side (Least Width, How Measured): Such width shall be measured from the nearest side lot line and, in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street as established on the Official Thoroughfare Plan differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street as designated on the Official Thoroughfare Plan.

Yard Sale: See "Garage Sale".

Zoning Certificate: A document issued by the Zoning Inspector authorizing buildings, structures, or uses consistent with the terms of these Regulations and for the purpose of carrying out and enforcing its provisions.

Zoning District: A portion of the unincorporated area of Clark County of which certain uniform regulations governing the use, height, area, and intensity of use of buildings and land and open spaces are herein established. The term "A" District shall mean any A-1 District; the term "R" District shall mean any R-1, R-1A, R-2, R-2A, R-2B, R-3, or R-4 District; the term "B" District shall mean any B-1, B-2, B-3, or B-4 District; the term "O" District shall mean any O-1 District; and the term "I" District shall mean any I-1 District. [eff: 3-29-90]

Zoning District, Overlay: A zoning district, the requirements for which are imposed in addition to those of the underlying zoning district.

Zoning Inspector: The officer or his/her authorized representative, appointed by the Board of County Commissioners, charged with the interpretation, administration, and enforcement of these Regulations.

Zoning Map: The Zoning Map or Maps of Clark County, together with all amendments subsequently adopted.

Zoning Regulations or These Regulations: This document in its entirety, any subsequent amendments, and all maps, figures, drawings, and any other clarifications appurtenant.